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REGULAR BOARD MEETING — TOWN HALL
JANUARY 6, 1993 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Milton I. Wittmeyer, Councilman David G. Zimmerman, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley, Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept the corrections and adoption of the minutes of the December 31, 1992 Special Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #1, dated January 6, 1993 in the amount of $43,697.46 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers that the Highway Bills on Abstract #1, dated January 6, 1993 in the amount of $6,939.25 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to accept the Town Clerk's Monthly report for December 1992.

five (5) Ayes — Carried

Received application from National Fuel for Annual Blanket Permit covering all excavation work performed on the Town of Boston's public places and rights-of way during the year 1993.

Town Attorney Perley asked that the if the Town Board is inclined to grant a permit to send National Fuel the towns form which contains other specific information that is not contained here so that we have a proper form on file with the information that the Town Board in adopting that form has determined that it wants.

Supervisor Kennedy directed Town Clerk Shenk to forward National Fuel Gas the proper application form asking for the opportunity to open cut roads, etc. within the Town of Boston, under emergency situations, that they use the form that is properly utilized by the community. Action will be taken at the next Town Board Meeting on wednesday, January 20, 1993.

Resolution received from the Town of Orchard Park, Re: University Games, received and on file in the Town Clerk's Office.

Received a franchise check from Adelphia Cable in the amount of $690.08. This check represents payment for the amount deducted in error from the last franchise fee payment for the New York State Cable Commission for the period from April 1 through September 30, 1992.

Supervisor Kennedy applauded Town Attorney Perley for following up on this matter.

Letter received from Kenneth Taft, NYSDEC with two (2) copies of the Draft Environmental Impact Statement (DEIS) for Kiantone Pipeline Corporations proposed crude oil and finished products pipelines.

Supervisor Kennedy directed that one (1) copy of the DEIS be on file in the Town Clerk's Office and one (1) copy is in the Engineering Room.

REGULAR BOARD MEETING — TOWN HALL
JANUARY 6, 1993 — 7:30 P.M.

Letter received from County Legislature Fred Marshall regarding:

a) HEAP Outreach schedule for 1992-93

b) Food distribution scheduled for Thursday, January 14, 1993, 9 A.M. until supplies are exhausted.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Milton I. Wittmeyer to the Office of Deputy Supervisor, salary of $1,800.00 per year, term to expire December 31, 1993

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Joyce Carr to the position of Part-time Clerk and Secretary to the respective Boards: Planning Board, Conservation Council and Zoning Board of Appeals at a salary of $8.15 per hr., term to expire December 31, 1993.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to appoint David Wilson to the position of Deputy Town Attorney, salary of $4,300.00 per year, term to expire December 31, 1993.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Aye

one (1) Nay
four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint Dennis Kramer to the position of Code Enforcement Officer, salary of $8,200.00 per year, term to expire December 31, 1993.

Five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to appoint Frank Lisowski, Jr. to the position of Deputy Code Enforcement Officer, salary of $4,100.00 per year, term to expire December 31, 1993.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Aye

one (1) Nay
four (4) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to appoint Gerald O'Brien to the position of Recreation Director, salary of $6,100.00 per year, term to expire December 31, 1993.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
JANUARY 6, 1993 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Doris Follman to the position of Part-time Cleaner Town Hall, salary of $6.15 per hour, term to expire December 31, 1993.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to appoint Leo Jensen to the position of Part-time Laborer Town Hall, salary of $7.00 per hour, term to expire December 31, 1993.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Joyce Carr to the position of Marriage Officer, no salary, term to expire December 31, 1993.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint James Jehle to the position of Town Historian, salary $625.00 per year, term to expire December 31, 1993.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to appoint Margaret Edington to the position of Bingo Inspector, salary $25.00 per inspection, term to expire December 31, 1993.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Aye

one (1) Nay
four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Wayne Kreitzbender to the position of Highway Working Crew Chief, salary $13.00 per hr., term to expire December 31, 1993.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to appoint Gregory Stromecki to the position of Court Officer, salary $2900.00 per year, term to expire December 31, 1993.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to appoint Norman Pfeffer to the position of Dog Control Officer, salary $5,000.00 per year, term to expire December 31, 1993.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Aye

one (1) Nay
four (4) Ayes — Carried

REGULAR BOARD MEETING
JANUARY 6, 1993

TOWN HALL
7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to appoint Robert Steiner to the position of Deputy Dog Control Officer, salary $2,800.00 per year, term to expire December 31, 1993.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Aye

one (1) Nay
four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to appoint Dolores Seufert, Senior Citizen Group Leader in Dolores Seufert's absence Ruth Garrison will take charge, salary $25.00 per meeting, term to expire December 31, 1993.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to appoint William Forness to the newly created position of MEO Trainee, to work in both the Highway and Parks Departments, including the maintenance of the new Cemetery, salary $8.00 per hour, term to expire December 31, 1993.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wittmeyer to appoint the following Fire Police, term to expire December 31, 1993:

BOSTON FIRE COMPANY:	James Cunningham, Edward Dzierzanowski, David Emerling, Dale Hess, Charles Pettit, Leroy Pfarner, Norman Sequin, Gregory Stromecki, Robert Weber, Joseph Wells, Raymond Worth, Robert Zwack
NORTH BOSTON FIRE COMPANY:	Rodney Carr, Sean Crotty, Joseph Gern, Peter Haumesser, Robert Karcher, Thomas Kyle, Kenneth Manista, Louise Manista, Joseph Santonocito, Randy Seufert
PATCHIN FIRE COMPANY:	Duane Brock, Mark Brock, Dick Chambers, Norm Gagne, William Ferguson, Grover Grinsell, Bob Pfluger, Rodney Roll, Paul Whittemore, Jim Pluta, Vince Cimato

five (5) Ayes — Carried

Councilman Wittmeyer defined the benefits of the Firemen's Retirement Program and advised that once the Fire Companies have certified the people that are eligible for retirement there is going to be at least a three month delay in the issuing of payment from Penn Mutual Insurance Company. The first check will be retro-active January 1st, and payment will be issued the 1st of each month thereafter.

Town Attorney Perley advised that there is a ten (10) year guarantee. The program will pay the retired firemen for life with a ten (10) year guarantee for the beneficiary.

REGULAR BOARD MEETING
JANUARY 6, 1993

TOWN HALL
7:30 P.M.

Town Attorney Perley has received a draft copy of the plan from the Plan Administrator and has reviewed it, there are some minor changes to be made in the wording of the Plan. There should be a Final Plan presented to the Town Board by the first meeting in February.

Supervisor Kennedy has received copies of the insurance, that each fireman has reports from the carrier and have separated them into the three (3) respective companies which shall be distributed very soon. A meeting will be scheduled sometime in February with the respective officers of the three fire companies to sit down as trustees of the plan and discuss the investment policy that we might incorporate, we have had recommendations from some of the administrators of the plan that it would be wise for the community or the town to invest a certain percentage of the money in equities rather than fixed income investments.

Supervisor Kennedy will be asking Councilman Wittmeyer to schedule a meeting with representatives from the Insurance Company, representatives from all three companies and trustees of the Plan (five members of the Town Board).

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to establish the following Salary Schedule for 1993:

Supervisor	Richard L. Kennedy	$20,500.00
Dep. Supervisor	Milton I. Wittmeyer	1,800.00
Councilman	Mark W. Flowers	5,800.00
	Don Wohlhueter	5,800.00
	David G. Zimmerman	5,800.00
	Milton I. Wittmeyer	5,800.00
Town Justice	Robert W. Tills	19,000.00
Clerk to Town Justice	Joyce Thurber	18,000.00
Town Clerk	David J. Shenk	27,500.00
Dep. Town Clerk	Anna M. O'Neill	8.15 hr.
Clerk Typist	Wendy Kummer	8.15 hr.
Clerk Supervisor/Secty.	Joyce Carr	8.15 hr.
Highway Superintendent	Eugene Ruchalski	34,125.00
Assessor	William H. Kleis, Jr.	21,625.00
Town Attorney	Michael Perley	20,000.00
Town Prosecutor	Joseph G. Terrizzi	8,500.00
Dep. Town Attorney	David Wilson	4,300.00
Bookkeeper / Assessor Clerk	Jean Kleis	20,200.00
Dog Control Officer	Norman Pfeffer	5,000.00
Dep. Dog Control	Robert Steiner	2,800.00
Code Enforcement Officer	Dennis Kramer	8,200.00
Dep. Code Enforcement Off.	Frank Lisowski	4,100.00
Court Officer	Gregory L. Stromecki	2,900.00
Recreation Director	Gerald W. O'Brien	6,100.00
Cleaner	Doris Follman	6.15 hr.
Laborer- Town Hall	Leo Jensen	7.00 hr.
Group Leader Sen. Citizen	Dolores Seufert	25.00 Mtg.
Town Historian	James J. Jehle	625.00
Bingo Inspector	Margaret Edington	25.00 per Inspection

Election Inspectors - PER DAY

Registration	45.00
Primary Day	80.00
Chairman	15.00
Election Day	80.00
School	15.00

REGULAR BOARD MEETING
JANUARY 6, 1993

TOWN HALL
7:30 P.M.

HIGHWAY DEPARTMENT

Working Crew Chief		13.00 hr.
M.E.O.'s		12.15 hr.
Laborers		5.00 / 7.25 hr.
M.E.O. Trainees		7.25 / 12.15hr.
Laborers	7 mos. Parks - 5 mos Hgwy	4.50 / 7.25 hr.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to set the payment of salaries for 1993 as follows:

Bi-weekly checks to the Justice, Town Clerk, Deputy Town Clerk, Supervisor, Highway Superintendent, Highway Crew Chief, Bookkeeper, Clerk P/T, Clerk Typist, Assessor, M.E.O.'s and Laborers P/T, all others are paid on a monthly basis.

five (5) Ayes Carried

Appointment of the Town Board Liaisons by Supervisor Kennedy for the year 1993 as follows:

Councilman Mark Flowers	Chamber of Commerce, Conservation Council, Street Lighting, Haz/Mat Team
Councilman Don Wohlhueter	Solid Waste, Recreation & Youth Service, Planning Board
Councilman David Zimmerman	Emergency Squad, South Boston Park, Cable T.V. Southtowns Planning Group
Councilman Milton Wittmeyer	Fire Companies, Senior Citizens, Traffic Safety

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to designate North Boston Branch of the Evans National Bank for Supervisor, Town Clerk , Town Justice, and Tax Collector.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to schedule dates and times for Regular Monthly Meetings and Work Sessions as follows:

Town Board Meeting	First and third Wednesday of each month at 7:30 P.M.

REGULAR BOARD MEETING
JANUARY 6, 1993

TOWN HALL
7:30 P.M.

Work Sessions: Monday prior to the first Wednesday of each month at 7:00 P.M. and if this is a holiday, the sessions will be held on the following day at 7:00 P.M. and on the third Wednesday at 6:15 P.M.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to designate the South Towns Citizen as the official paper for the Town of Boston.

Councilman Flowers feels that there is a problem with communication and feels that the newspaper does not have enough circulation and the people who came to a Public Hearing, and also took the time to sign a petition has stated that.

Councilman Flowers	Voting Nay
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Aye

one (1) Nay
four (4) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to authorize the Supervisor and the Tax Collector to invest surplus monies.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the investment policy previously adopted by the Town Board where idle town monies may be invested, subject to any further regulation from the State Comptroller pursuant to section 39 of the General Municipal Law as follows:

1. Obligations of Federal Government - Treasury Notes, Treasury Bills, etc.

2. Obligations of Federal Agencies Guaranteed by the Government.

3. Obligations of the State of New York

4. Certificates of Deposit in Commercial Banks which are FDIC insured.

5. Regular Savings Accounts, Money Market Accounts in Commercial Banks if proper securities are provided for all monies invested in excess of the amount secured by FDIC.

6. Tax Anticipation Note and Revenue Anticipation Notes of another municipality, district, corporation or school district, any other investments not listed will require prior approval by the Town Board and be in conformance of all state statutes.

The Town Supervisor will keep a record of all such investments and provide a report to all Town Board Members monthly.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve the Procurement Policy for 1993 as follows:

Procurement Policy

BE IT RESOLVED: That the Town of Boston does hereby adopt the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, §103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "Purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2. All purchases of (a) supplies or equipment which will exceed $10,000 in the fiscal year; or (b) public works contracts over $20,000 shall be formally bid pursuant to GML, §103.

Guideline 3. All estimated purchases of:
Less than $10,000 but greater than $5,000 require a written request for a proposal (RFP) and written/fax quotes from 3 vendors;
Less than $5,000 but greater than $1,000 require an oral request for the goods and oral/fax quotes from 2 vendors;
Less than $1,000 but greater than $250 are left to discretion of the Purchaser.

All estimated public works contracts of:
Less than $20,000 but greater than $10,000 require a written RFP and fax/proposals from 3 contractors;
Less than $10,000 but greater than $3,000 require a written RFP and fax/proposals from 2 contractors;
Less than $3,000 but greater than $500 are left to the discretion of the Purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 5. A good-faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 6. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

(a) Acquisition of professional services;
(b) Emergencies;
(c) Sole source situations;
(d) Goods purchased from agencies for the blind or severely handicapped;
(e) Goods purchased from correctional facilities;
(f) Goods purchased from another Governmental agency;
(g) Goods purchased at auction;
(h) Goods purchased for less than $250.00;
(i) Public works contracts for less than $500.00.

Guideline 7. Notwithstanding any of the foregoing provisions of this policy, no purchase in excess of $1,000 shall be made without authorization from the Town Board.

Guideline 8. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
JANUARY 6, 1993 — 7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to authorize the use of a signature stamp by Supervisor Kennedy.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to retain the rate of .21 cents per mile as paid by the Town for milage.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to Schedule the Annual Audit Meeting for January 20, 1993.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to direct the Town Clerk to send notices for Mobile Home Parks and Refuse Collectors Fees.

five (5) Ayes — Carried

Town Attorney Perley advised, that the Manufactured Housing Communities are only required to pay for half a year because of the transitional legislation.

Supervisor Kennedy stated that some problem areas exist in the Sprague Mobile Home Park, which he, Deputy Supervisor Wittmeyer and Code Enforcement Officer Kramer inspected because of complaints received.

Supervisor Kennedy scheduled a tentative inspection of the Sprague Manufactured Housing Community for Saturday, January 23, 1993 at 10:00 A.M.

Supervisor requested that the Code Enforcement and/or the Deputy Code Enforcement in the interim period take photographs of the areas in question at the Sprague Mobile Home Park.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to set Petty Cash Funds as follows:

Supervisor	$ 25.00
Town Clerk	200.00
Town Justice	100.00
Highway Superintendent	25.00

five (5) — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Eugene Ruchalski, Delegate to the Association of Towns Meeting in New York City, on February 1993.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to allow lending funds from one account to another.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to approve form and sufficiency of bonds.

five (5) Ayes — Carried

REGULAR BOARD MEETING
JANUARY 6, 1993

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to assign the following work days to be reported by New York State Retirement purposes for elected and appointed Town Personnel with six (6) hours being designated as a work day:

Supervisor	20	Days
Town Justice	12	
Town Prosecutor P/T	8	
Councilman	8	
Councilman, Dep. Supvsr.	12	
Dep. Code Enforcement	7	
Assessor	20	
Town Attorney	12	
Court Officer	5	
Dep. Town Attorney	7	

For a seven (7) day work week a motion to designate the following elected and appointed positions as full-time based on a seven (7) hour work day for New York State Retirement purposes:

Town Clerk	7	Days
Superintendent of Hwys.	7	
Bookkeeper to Supervisor	7	
Clerk to Town Justice	7	

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer, the following are the Holidays set for the Town of Boston as part of contract or arrangement we have with the Highway Department and Clerical work:

January 1, 1993 - New Year's Day, January 18, 1993 - Martin Luther King, Jr. (Day Observed), February 15, 1993 - Patriot's Day, April 9, 1993 - Good Friday, May 31, 1993 - Memorial Day (Day Observed), July 5, 1993 - Independence Day (Day Observed), September 6, 1993 - Labor Day, October 11, 1993 - Columbus Day (Day Observed), November 2, 1993 - Election Day, November 11, 1993 - Veteran's Day, November 25, 1993 - Thanksgiving Day, December 25, 1993 - Christmas Day.

five (5) Ayes Carried

Received a letter of request from Cold Spring Construction Company, General Contractors, to rezone the Carol Seamon property on Pfarner Road from R/A to M2

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to direct the Town Clerk to Schedule and Publish a Public Hearing for Wednesday, February 3, 1993 at 8:00 P.M. to consider the rezoning of the Carol Seamon property on Pfarner Road from R/A to M2. Also, to refer this application to the Planning Board for review

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to adopt the Highway Specs for the year 1993.

five (5) Ayes Carried

Letter received from the Chamber of Commerce requesting use of the Town Park on Saturday, August 7, 1993 for a one day Craft Show.

REGULAR BOARD MEETING
JANUARY 6, 1993

TOWN HALL
7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to grant permission to the Boston Chamber of Commerce to use the Town Park on Saturday, August 7, 1993.

five (5) Ayes — Carried

SUPERVISOR'S REPORT

A) Monthly Financial Report for December 1992 received and on file in the Town Clerk's Office.

Supervisor Kennedy made the following Committee Appointments for 1993:

CAPITAL IMPROVEMENTS

Robert McDonald
Frank Lisowski
Dennis Kramer
Lisa Rood
Milton Wittmeyer
Gerald O'Brien
Charles Pettit
Renata Neidzwiecka
Jean Kleis
Michael Perley
Jean O'Connell
(Grantsperson)

INSURANCE COMMITTEE

Don Meyer
Don Wohlhueter
Mark Flowers
Brian Baty
(Insurance Consultant)
David Shenk
Michael Perley
Milton Wittmeyer

SENIOR CITIZENS COMMITTEE

Leaders: Ruth Garrison
Dolores Seufert

Michael Czechowski
Jack Seufert
Dolores Seufert
Harold Rockwood
Joseph Mertzlufft
Mary Naber
Dorothy Overhoff
Irving Overhoff
Mary Yoder
Caroline Burkward
John Snyder

CREATIVE PLAYGROUND COMMITTEE

Mike Mandeville
Michael Perley
Barbara Wagner
Gregg K. Gibbs
Judy Gutekunst
Leroy Pfarner
Dennis Kramer
Don Wohlhueter

TRAFFIC SAFETY COMMITTEE

Milton Wittmeyer
Alan Carpenter
Frank Lisowski, Jr.
James Carr
Sgt. Broderick

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to authorize the Town Clerk to advertise for bids for the restroom addition to the ambulance building. To receive bids at 1 :00 P.M. on Monday, February 1, 1993 in the Engineering Room on the lower level.

five (5) Ayes — Carried

Supervisor Kennedy received a letter from the West Seneca Development Disability Service requesting that he consider the formation of a site identification or site review committee in this municipality.

REGULAR BOARD MEETING — TOWN HALL
JANUARY 6, 1993 — 7:30 P.M.

Supervisor Kennedy will meet with the people from the West Seneca Development Disability Service to discuss their plans.

Supervisor Kennedy with the Highway Superintendent reviewed a serious situation which exists at the Hillcroft Dr. bridge. As has been pointed out to the County on numerous occasions the erosion and the possibility of losing the road. The last section of culvert that comes down Hillcroft Drive from the Boston State Road was exposed and ready to wash into the stream, the Highway Superintendent removed the forty-eight inch (48") culvert to prevent blocking under the bridge. The Highway Superintendent has been direct to take pictures of this situation to be send to the County. Some remedial action will have to be taken by the County to save this bridge.

Supervisor Kennedy has a meeting scheduled with the Community Development people and respective Towns on Friday, January 8, 1993 to discuss the Rural Transit Van Program. Drivers have resigned and do not wish to drive due to lack of snow tires.

TOWN CLERK'S REPORT

A) Registrar of Vital Statistics report for December 1992 received and on file in the Town Clerk's Office.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski requested authorization to attend the New York State Association of Town's Annual Training Seminar, New York City, February 13 - 17, 1993.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant Highway Superintendent Ruchalski permission to attend the New York State Association of Town's Annual Training Seminar in New York City, February 13-17, 1993.

five (5) Ayes — Carried

Highway Superintendent advised that Christmas trees are being picked up, the complete town has been covered twice and with the cooperation of the weather will go around one more time. Trees are being accepted at the Town Garage if the people want to bring them.

Highway Superintendent asked permission to put a single axle truck out for bid as requested at the last Town Board Meeting. The bids will be in three categories: (1) truck chassis, replacing 1972 Osh Gosh with and without trade, (2) Hydraulic plow and wing, (3) Sander/dumpbox.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to schedule bid openings for single axle truck (truck chassis, hydraulic plow and wing, sander/dumpbox) on Monday, February 1, 1993 at 1:30 P.M.

five (5) Ayes — Carried

TOWN ATTORNEY

Town Attorney Perley delivered to the Board Members a memo for review concerning the Volunteer Firemen's Service Award Program. He asked that the Board Members review this memo and possibly discuss it in detail at the next Board Meeting.

Town Attorney Perley advised that there is one abandoned car in the Town of Boston. The Hamburg police have done most of the paperwork perfecting the abandonment, they need a letter from the Town Board in order to complete that sale. The Town Attorney has prepared an outline for the Town Clerk to process

abandoned vehicles in the Town of Boston. Since, most of the work has been done by Hamburg, Attorney Perley asked that the Board authorize him to write the Police Chief in Hamburg and advise him that the Board agrees that he can perfect that abandonment, and from now on any abandon vehicles in Town if he hears of them or is asked to process them, that we will process them ourselves.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to authorize the Hamburg, Chief of Police to perfect the abandonment of the afore mentioned vehicle.

five (5) Ayes Carried

COUNCILMEN REPORT

Councilman Flowers acknowledged the Chamber of Commerce for putting on the Christmas Tree Trimming Event, Gloria Coleman-Thompson, Chairman, Laurie and Harry Hendrix for donating the tree, Grove Roofing for use of their boom-truck, Stumpbusters for the use of their bucket-truck and to Rucker Lumber for use of their truck and driver to transport the tree. Also, the Highway Department for their help.

Councilman Zimmerman congratulated the Sean Greene Family and their son Juan who shortly before Christmas became a United States Citizen, and asked that the Town Clerk send a letter to this effect.

Councilman Wittmeyer received an answer from Erie County regarding a variety of requests as follows:

1) School bus sign at Butternut & Back Creek Road, installation approved.

Councilman Wittmeyer upon inspection found a new sign at Cloverfield and Back Creek. This will be looked into and the sign will be put at the correct location.

2) Meadow Drive, "Children at Play" - Denied, this is a Town road and the Town can install a W7-15 "Playground" should they find that the conditions meet the use defined in the NYS Manual - Traffic Control.

Councilman Wittmeyer will take this up with Traffic Safety and report back to the Board.

3) "School bus" and "Blind Grade" sign at 7684 Omphalius Road, installation approved.

Councilman Wittmeyer followed up on this and the "School bus" sign is in place.

4) 8519 Lower East Hill Road, "Blind Driveway," Driveway warning signs utilize intersections signs are not used where the driveway is at a highway intersection (Wohlhueter) further they are not used where intersection warning signs exist for Wohlhueter. We suggest that the residents eliminate the obstructions to visibility on the approaches to their drives and we will alert those working on the reconstruction of Lower East Hill Road, regarding improvements of visibility on the approach to this drive. Sign denied.

Councilman Wittmeyer will notify the people at 8519 Lower East Hill Road.

5) Request for a "Yield" sign to be replaced by a "Stop" sign at the end of Thornwood and Boston State Road. On the County's review of this they find no basis to change this control. However, should the Town find any reason please notify us. Sign denied.

Councilman Wittmeyer reported that the "Playground" sign missing on Back Creek Road at the North Boston Playground has been replaced.

CODE ENFORCEMENT OFFICER

Code Enforcement Officer's Monthly Report for the month of December 1992 received and on file in the Town Clerk's Office.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

Deputy Code Enforcement Officer's Monthly Report for the month of December 1992 received and on file in the Town Clerk's Office.

DOG CONTROL OFFICER'S REPORT

Dog Control Officer's Monthly report for the month of December 1992 received and on file in the Town Clerk's Office.

TOWN ENGINEER'S REPORT

Town Engineer's Monthly report for the month of December 1992 received and on file in the Town Clerk's Office.

HAMBURG PUBLIC SAFETY DISPATCH

Hamburg Public Safety Dispatch Annual Report for 1992 received and on file in the Town Clerk's Office.

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers to adjourn meeting at 8:47 P.M.

five (5) Ayes Carried

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING TOWN HALL
JANUARY 20, 1993 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Milton I. Wittmeyer, Councilman David G. Zimmerman, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the correction and adoption of the minutes of the January 6, 1993 Regular Town Board Meeting.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the General Fund and Special District Bills on Abstract #1 A, dated January 20, 1993 in the amount of $55,924.41 be paid.

five (5) Ayes Carried

Letter received from Dale M. Volker, N.Y. Senate, supporting funding for the restoration of the Beaver Island Park Casino, received and on file in the Town Clerk's office.

Letter received from Dennis Gorski, County Executive in response to Boston's resolution relative to a rabies hotline, received and on file in the Town Clerk's office.

Letter received from R.J. Russell, Regional Director, NYS Dept. of Transportation regarding designation of restricted highway, referring to a portion of Route 219 from Route 39 to a point 3,000 feet north of Route 391. Including all intersecting roads and ramps to the limits shown on the contract plans. All in the Towns of Concord and Boston, Erie County, received and on file in the Town Clerk's office.

Letter received from Thomas C. Jorling, N.Y. D.E.C., with a Draft New York State Solid Waste Management Plan, 1991/92 Update and Appendices. The 1991/92 Updates contains information as of January 1992 on a number of solid waste management subjects, such as local solid waste management planning and solid waste generation and recycling rates in New York State. Copy of update is available in the Town Clerk's office.

Supervisor Kennedy asked Councilman Flowers to inform the Conservation Advisory Council that this is on file, and advise them that they would have access to the copy in the Town Clerk's office.

Letter received from David Gaskell, NYS Division of Equalization and Assessment regarding equalization rates in Erie County, received and on file in the Town Clerk's office.

Supervisor Kennedy responded that he will meet with Vincent Smith, Property Valuation Bureau Manager. We have received tentative rates and have challenged those rates and as soon as more information is available on a final rate the Town Board will be advised.

Councilman Flowers questioned why the Erie County Data file format was not fully compatible with the Real Property Systems format used by the State of New York?

Town Assessor William Kleis responded that the system was changed over from the County to the State before our computer system was installed. Now we are on line with the State.

REGULAR BOARD MEETING TOWN HALL
JANUARY 20, 1993 7:30 P.M.

Letter received from Frederick J. Marshall, Erie County Legislature regarding resolution relative to installment payments for property tax collections, received and on file in the Town Clerk's office.

Letter received from Bruce H. Hale, National Fuel providing Emergency phone numbers in the event an emergency involving a pipeline of National Fuel Distribution Corporation, received and on file in the Town Clerk's office.

Supervisor Kennedy directed the Town Clerk to distribute the emergency phone list from National Fuel to the three (3) Fire Companies, Boston Emergency Squad and the New York State Police-Boston.

REQUESTS FROM THE FLOOR

Reed Garver, 8353 Lower East Hill Road, inquired as to what the status of reconstruction project of Lower East Hill Road is. Since, he has not heard much about the rebuilding project.

Supervisor Kennedy responded that the last information he had on the reconstruction of Lower East Hill Road is that a lot more environmental work is necessary before the project could go forward. He will be in contact with Mr. Gugino to find out what the status is at the current time.

Reed Garver: Do you know whether they may have to file an Environmental Impact Statement? I have heard that there has been a change in some of the rating specifications.

Supervisor Kennedy: I believe that the on going controversy was, whether in fact, they would be allowed to file an abbreviated Environmental Impact Statement (EIS) or a full blown State Environmental Quality Review (SEQR). I will look into this and let you know at the next meeting.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve payment of medical bills for Joe Gern out of the Risk Retention Fund for injuries sustained during the Triquasquicentennial in the amount of one hundred-sixty-five dollars and twenty-three cents ($165.23).

five (5) Ayes Carried

Rezoning request received from Chester Panek to rezone his property on Feddick Road from R/A to R-2.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to refer Chester Panek's request to rezone property on Feddick from R/A to R-2 to the Planning Board for review.

five (5) Ayes Carried

Letter received from Clair Montroy, III, Attorney for Larry Ovitt requesting rezoning of a portion of properties at 5803 and 5805 Herman Hill Road from C-1 to R-2 as outlined on survey.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to refer Larry Ovitt's request for rezoning of a portion of properties at 5803 and 5805 Herman Hill Road from C-1 to R-2 to the Planning Board for review.

five (5) Ayes Carried

Letter received from Bill Boltz requesting reappointment as a member of the Planning Board.

REGULAR BOARD MEETING — TOWN HALL
JANUARY 20, 1993 — 7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to appoint William Boltz to the Planning Board term to expire 2/1/2000.

five (5) Ayes — Carried

Letter received from Norman R. Pfeffer declining appointment to the position of Dog Control Officer, received and on file in the Town Clerk's office.

Letter received from Richard P. Waszak requesting consideration for the appointment of the position of Dog Control Officer.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to appoint Richard P. Waszak to the position of Dog Control Officer retroactive January 1, 1993, term to expire December 31, 1993 at a yearly salary of four thousand-five hundred dollars ($4,500).

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Marjorie Steiner to the position of Clerk to the Dog Control Officer and Deputy Dog Control Officer responsible for all reporting to both Agricultural & Marketing and to this Board, term to expire 12/31/93 at a yearly salary of Five hundred dollars ($500.00).

five (5) Ayes — Carried

Received letter from Gregory Gerwitz requesting permission to build a deck on the south side of residence at 7440 Boston State Road.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to refer Gregory Gerwitz's building request to the Planning Board for review.

five (5) Ayes — Carried

At 8:00 P.M. a Public Hearing was held regarding the use of Federal Community Development Funds in the Town of Boston. Town Clerk Shenk read the Legal Notice and Supervisor Kennedy convened the Public Hearing.

Supervisor Kennedy presented a request from Dolores Seufert on behalf of the Senior Citizens, the possibility of submitting an application for the expansion of the existing Courtyard in the lower level of the Town Hall. Since there are two existing walls there it would reduce the cost of encompassing that particular area. Also, perhaps conversion of the kitchen facilities so that a Nutrition Program could be accommodated.

PUBLIC NOTICE

Notice of Public Hearing
Notice to the Citizens of the Town of Boston

A Public Hearing will be held on January 20, 1993 at 8:00 P.M. Eastern Standard Time at the Boston Town Hall, 8500 Boston State Road, Boston, New York regarding the use of Federal Community Development Funds in the Town of Boston.

The Town of Boston is eligible for a Federal Community Development Grant under Title 1 of the Housing and Community Development Act of 1974, as amended.

The purpose of the hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Boston.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Boston's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town of Boston at (716)941-5113 by January 15, 1993.

DATED: November 23, 1992
PUBLISHED: November 27, 1992

By Order of The Town Board
DAVID J. SHENK
TOWN CLERK

REGULAR BOARD MEETING
JANUARY 20, 1993

TOWN HALL
7:P.M.

Reed Garver - Lower East Hill Road, on behalf of the Boston Free Library, Board of Trustees asked to recycle their request for assistance for the driveway and parking facilities providing better access to the Library for all patrons, especially Senior Citizens and the Handicapped.

Mr. Garver presented the Town Board with a petition containing one hundred and sixty-two (162) signatures. Supervisor Kennedy thanked Mr. Garver for the petitions. We have a packet that we work in conjunction with our Grants person and this is one of the concerns we have at the Town Hall, also. We have made the lower rear of the building handicap accessible, unfortunately if you had a wheelchair you would not be able to get from the parking lot to the handicapped ramp, so it really doesn't help to much to have the building handicap accessible if you cannot get from where you park your vehicle to the entrance. It is in very dire need of work both in the entry way and the parking area.

Supervisor Kennedy commented that we are penalized each year with a certain point system that has been established by the people that regulate the grants. Before we were portioned out a certain amount of money each year to each municipality and we were unable to do projects of any size because of the small amount of money that was apportioned, so they collectively apportion the money now into one large pot and it is competitive between all the members of the consortium in competing for these funds. There is a regular point system that is established to rate each of these projects. Hopefully, we will get consideration, although the competitive situation is getting very difficult each year. The projects are refined and put in to the point where almost all of them qualify and it is just a case of which get the higher point system. We will try to forward both the Library Project and the Senior Citizens Project. There were no other questions or comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the Public Hearing at 8:08 P.M.

five (5) Ayes Carried

Supervisor Kennedy stated that the Board will not take action on the selection of the Projects until the next Town Board Meeting on February 3, 1993, at which time they will be forwarded to Community Development for review.

Received Bid Specs for the Summer Recreation Bus and the Ski Program Bids from Gerald O'Brien, Recreation Director. Mr. O'Brien requested that the bids be opened on March 10, 1993 at 10:00 A.M. in the office of the Town Clerk.

A motion was made Councilman Wohlhueter and seconded by Councilman Wittmeyer to open the Bus Bids for the Summer Recreation and the Ski Programs for 1993 in the Town Clerk's office on Wednesday, March 10, 1993 at 10:00 A.M.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to approve the following for employment with Recreation Department for Friday Evening Program at the Boston Valley School as requested by Gerald O'Brien, Recreation Director effective 1/9/93 to expire 12/31/93:

		Maximum	
Cathy Boltz	Recreation Leader/ Site Supervisor P/T	5 hr/wk	$10.00 /hr
Dan Poppenberg	Recreation Attendant	4 hr/wk	5.50 /hr

REGULAR BOARD MEETING
JANUARY 20, 1993

TOWN HALL
7:30 P.M.

Donna Odoj	Recreation Attendant	4 hr/wk	5.50 /hr
Jennifer Schunk	Recreation Attendant	4 hr/wk	5.50 /hr

five (5) Ayes — Carried

Letter from Planning Board outlining newly elected officers as follows: Chairman William Boltz, Vice Chairman John David Early, Secretary Damian Wiktor received and on file in the Town Clerk's office.

Letter from David W. Wilson, Deputy Town Attorney, requesting permission to attend the annual Association of Towns meeting in New York City, February 14 - 17, 1993.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve David W. Wilson, Deputy Town Attorney's request to attend the Association of Towns meeting in New York City, February 14-17, 1993 as Alternate Delegate.

five (5) Ayes — Carried

Letter received from Jane Haag, President of the Boston Democratic Club requesting permission to use the Town Park and the Community Room for the 32nd Annual Easter Egg Hunt on Saturday, April 10, 1993 at 1:00 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to approve the use of the Boston Town Park and the Community Room by the Boston Democratic Club on Saturday, April 10, 1993 at 1:00 P.M.

five (5) Ayes — Carried

Letter received from Joe Santonocito, Chairman, St. John the Baptist Church, Holy Name Society requesting permission to use the Lion's Club Shelter on Sunday, August 8, 1993 from 11:00 A.M. until closing for church Family Picnic.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to grant permission to St. John the Baptist Church, Holy Name Society to use the Lion's Club Shelter on Sunday, August 8, 1993 from 11:00 A.M. until closing. Alcoholic beverages may be served with the Church providing a certificate of insurance.

five (5) Ayes — Carried

SUPERVISOR'S REPORT

Supervisor Kennedy appointed the following to the 1993 Solid Waste Committee term to expire 12/31/93:

David Zimmerman
Michael Perley
David Wilson
John David Early
Reed Garver
William Kleis
Damian Wiktor

REGULAR BOARD MEETING
JANUARY 20, 1993

TOWN HALL
7:30 P.M.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to authorize Supervisor Kennedy to enter into a contract with Nussbaumer & Clarke, Inc. for the yearly 1993 charge for the listed services at a fee of two thousand, eight hundred dollars ($2,800.00) payable quarterly in seven hundred dollar ($700.00) increments. Quarterly payments due and owing thirty (30) days of the Engineer's submittal.

five (5) Ayes — Carried

TOWN CLERK'S REPORT

A) Registrar of Vital Statistics Final Report for 1992 received and on file in the Town Clerk's office.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to accept the Registrar of Vital Statistics Final Report for 1992.

five (5) Ayes — Carried

Town Clerk Shenk will announce additional hours for 1993 Tax Collection at the next Town Board Meeting.

TOWN JUSTICE REPORT

Town Justice Annual Report for 1992 received and on file in the Town Clerk's office.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to accept the Town Justice Annual Report for the year 1992.

five (5) Ayes — Carried

TOWN ATTORNEY'S REPORT

Letter to the Town Board from Town Justice Tills asking that the Town Board consider the creation of a second Town Justice position within the Town of Boston, was referred to the Town Attorney for review of the applicable law. Under section 60A of the Town Law there is a provision by which the Town Board may in the first instance reduce the number of Justices from the number allowed under the Town Law which is two (2) to one (1), which, in fact, it did in 1979. That same provision allows for the Town Board by Resolution to restore the position of Town Justice or create a position of Town Justice up to the amount allowed by law, by similar Resolution. Both Resolutions are subject to a Permissive Referendum.

RESOLUTION 1993-1 TO INCREASE THE NUMBER OF JUSTICES FROM ONE (1) TO TWO (2)

COUNCILMEN REPORT

Councilman Flowers reviewed Street Light Proposal from NYSEG pertaining to the new construction of West Tillen Road.

RESOLUTION 1993-2 INSTALLATION OF LAMP AT BOSTON STATE ROAD AND BOSTON COLDEN ROAD

TOWN OF BOSTON

1993-1

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held in the Boston Town Hall, 8500 Boston State Rd., Boston, NY 14025, in said Town on the 20TH day of JANUARY, 1993 at 7:30 PM, Eastern Time, there were

PRESENT; Richard L. Kennedy, Supervisor
Don A. Wohlhueter, Councilman
Mark W. Flowers, Councilman
David G. Zimmerman, Councilman
Milton I. Wittmeyer, Councilman

Supervisor Kennedy presented the following Resolution and moved for its adoption:

WHEREAS, Section 60-a of the Town Law granted to the Town Baord of the Town of Boston the power to reduce the number of Town Justices from two (2) to one (1), and

WHEREAS, by Resolution adopted the 21st day of March, 1979, the Town Board of the Town of Boston reduced the number of Town Justices from two (2) to one (1) pursuant to Resolution; and

WHEREAS, during the calendar year 1978, the Justice Court of the Town of Boston processed 709 cases; and

WHEREAS, since that time, the number of cases handled by the Justice Court of the Town of Boston has risen to 3,365 cases for the calendar year 1992; and

WHEREAS, The Town of Boston is the only Town in Erie County having a single Town Justice; and

WHEREAS, the Town Board, pursuant to Section 60-a of the Town Law, has the authority to adopt a Resolution to increase the number of Town Justices from one (1) to two (2), subject to a Permissive Referendum; and

WHEREAS, the current Town Justice, Hon. Robert W. Tills, has requested the Town Board to consider creation of a second Justice position; and

WHEREAS, advantages of increasing the positions aforesaid from one (1) to two (2) include:

1. More coverage for the Town on the availability of a Justice in case of arraignments and other emergencies.

2. Less need to transfer cases out of the jurisdiction where one justice may know the party and have to disqualify himself or herself.

3. Judges can coordinate vacations so that the Town is less likely to be without a Town Justice available.

4. If a judge should become ill, the other judge would be able to cover, eliminating the necessity of bringing in outside judges.

and;

WHEREAS, the Town Board has determined that there is no necessity for an increase in cost to the Town since the Court can be administered by the same number of personnel at present; and further that the Town Justice's salary will be divided in accordance with the division of the work load; and

WHEREAS, the Town Board of the Town of Boston has determined that it is in the best interests of the Town of Boston to increase the number of Justices from One (1) to Two (2); and

WHEREAS, the Town Board is desirous of effecting such a change prior to the next ensuing biennial Town election.

NOW, THEREFORE, upon due consideration, it is

RESOLVED, by the Town Board of the Town of Boston as follows:

1. The number of Town Justices in the Town of Boston be and the same is increased from One (1) to Two (2) under the term of the newly created position(s) of Town Justice to commence on January 1, 1994.

2. That the newly-created position of Town Justice shall be filled at the next biennial Town Election to be held in November, 1993, with the term of the newly-created Judge elected at such election, to be TWO (2) YEARS.

3. That thereafter, each Town Justice shall be elected for a FOUR (4) YEAR term at the appropriate biennial Town election with the newly-created position of Town Justice being elected for a FOUR (4) Year term at the biennial election to be held in November, 1995.

4. That this Resolution is subject to a Permissive Referendum in accordance with Article 7 of the Town Law of the State of New York, and shall take effect as provided in Section 91 of such Town Law.

5. That the Town Clerk be, and he is hereby directed, to post and publish a Notice of Adoption of this Resolution in accordance with Section 90 of the Town Law of the State of New York.

Seconded by Councilman Flowers, and put to a vote which resulted as follows:

Supervisor Kennedy	Voting Y
Councilman Flowers	Voting Y
Councilman Zimmerman	Voting Y
Councilman Wittmeyer	Voting Y
Councilman Wohlhueter	Voting Y

AYES: 5 NOES: 0

DATED: BOSTON, NY
JAN. 20, 1993

David J. Shenk, Town Clerk

SEAL:

TOWN OF BOSTON

NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that at a Regular Meeting, held on the 20th day of January, 1993, the Town Board of the Town of Boston duly adopted a Resolution, an abstract of which follows, which Resolution is subject to a Permissive Referendum pursuant to Article 7 of the Town Law of the State of New York.

Said Resolution established the position of a second Town Justice in the Town of Boston with a position to be filled at the next biennial Town election, to be held in November, 1993. The initial term of the additional Town Justice shall commence on January 1, 1994 and shall run for Two (2) Years. Thereafter, the Town Justice position will be for a Four (4) Year term and shall be elected at the appropriate biennial Town election, as provided by law.

Dated: Boston, New York
January 20, 1993

David J. Shenk, Town Clerk

PUBLIC NOTICE

Notice of Adoption of Resolution
Subject to Permissive Referendum

NOTICE IS HEREBY GIVEN that at a Regular Meeting, held on the 20th day of January, 1993, the Town Board of the Town of Boston duly adopted a Resolution, an abstract of which follows, which Resolution is subject to a Permissive Referendum pursuant to Article 7 of the Town Law of the State of New York.

Said Resolution established the position of a second Town Justice in the Town of Boston with a position to be filed at the next biennial Town election, to be held in November, 1993. The initial term of the additional Town Justice shall commence on January 1, 1994 and shall run for Two (2) Years. Thereafter, the Town Justice position will be for a Four (4) Year term and shall be elected to the appropriate biennial Town election, as provided by law.

Dated: January 20, 1993
Boston, New York
Published: January 22, 1993

David J. Shenk
Town Clerk
Town of Boston

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF BOSTON

DESIREE COLEMAN

being duly sworn, deposeth and saith that she is the publisher of the Orchard Park Southtowns Citizen a newspaper published once a week in the Village of Orchard Park, County of Erie, State of New York and that the notice, a printed copy of which is annexed has been published in the Orchard Park Southtowns Citizen, one in each week, commencing on the

22 day of January, 19 93, and ending on the 22 day of January, 19 93.

Signed Desiree Coleman

Sworn to before me, on the 22 day of January, 1993

Betty K. Reukauf
Notary Public

BETTY K. REUKAUF
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires March 31, 1994

TOWN OF BOSTON

RESOLUTION 1993-2

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, new York, on the 20th day of January, 1992, at 7:30 P.M. Daylight Savings Time, there were:

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Councilman Flowers presented the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Boston does hereby authorize New York State Electric & Gas to install a new 150 watt HPS lamp on pole #456 Line 789 at the corner of Boston State Road and Boston Colden Road (Star Service) at an annual increase of one hundred and thirty-six dollars and six cents ($136.06) to the Lighting District #1.

Seconded by Councilman Wittmeyer and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JANUARY 20, 1993 — 7:30 P.M.

Supervisor Kennedy asked Councilman Flowers to look into the installation of a Street Light at the intersection of Mill St. and the new Highway.

Councilman Flowers attended the Southtowns Haz/Mat meeting, their budget for 1993 is fifty-six thousand, nine hundred dollars ($56,900.00). Every attempt is being made to contain the cost of operating the Haz/Mat Team. Should grant monies be received every effort will be made to keep the cost down to all the municipalities involved.

Councilman Wohlhueter scheduled a meeting for the Solid Waste Committee for Thursday, February 11, 1993 at 7:00 P.M. at which time a representative from B.F.I. will be present.

Councilman Wohlhueter attended a meeting of the Southtowns Solid Waste Board and the North East Board and they are considering merging. It has been unanimous that the two boards will merge. They feel that since the County has cut back on their personnel, they will do a better job by merging. A definite decision will not be made until the end of February.

A request was made by the Boston Lion's Club to reserve the use of the Lion's Shelter and the Town Park for the Annual Oktoberfest from July 19 - 24, 1993

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to grant permission to the Boston Lion's Club to use the Lion's Club Shelter and the Town Park for the Annual Oktoberfest from July 19-24, 1993.

five (5) Ayes — Carried

Councilman Zimmerman in response to Bob Keel's letter that he wrote in late November, 1992 regarding additional space, to remind the Town Board that following this meeting we will be meeting with the Emergency Squad at their meeting room.

Bob Keel, a representative from the Boston Emergency Squad presented the Town Board with a copy of their press release stating that the Boston Emergency Squad has established a special fund raising committee with a goal to raise $30,000.00 during 1993 for the purchase of two new defibrillators and 45 new pagers for Emergency Squad Activities.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to grant the Boston Emergency Squad permission to initiate a Fund Raising Activity.

five (5) Ayes — Carried

Councilman Wittmeyer announced that there is a meeting of the South Boston Parks, Saturday, January 23, 1993 at 9:00 A.M.

Councilman Wittmeyer reminded the Board of the inspection of the Sprague Mobile Home Community of Saturday, January 23, 1993 at 10:00 A.M.

Councilman Wittmeyer advised the Board on behalf of Traffic Safety, the condition of the Boston State Road in the Hamlet of Boston is in deplorable condition. He also, requested that Supervisor Kennedy include this matter in a letter to Mr. Gugino and ask him to come out and see if possibly that portion of the State Road could be posted this spring until something is done to improve the conditions. Once the heavy trucks begin in the spring the road will be totally destroyed. The sewer runs down the middle of the road in that area and there is a lot of quick sand. The base of the road is deteriorating very rapidly.

REGULAR BOAR MEETING
JANUARY 20, 1993

TOWN HALL
7:30 P.M.

Supervisor Kennedy offered to work with Councilman Wittmeyer on the communication with Mr. Gugino.

CODE ENFORCEMENT OFFICER REPORT

Code Enforcement Final Report for 1992 received and on file in the Town Clerk's office.

ERIE COUNTY SHERIFF'S REPORT

Erie County Sheriff's Report for December 1992 received and on file in the Town Clerk's office.

BOSTON PLANNING BOARD

Boston Planning Board Final Report for 1992 received and on file in the Town Clerk's office.

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman to adjourn the meeting at 8:40 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

RESOLUTION 1993

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 3rd day of February 1993 at 7:30 P.M. Eastern Standard Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption.

WHEREAS: The Gorski Adminstration has frozen contracts for drug abuse prevention services through the Erie County Mental Health Department untill after 8 % sales taxes issue is resolved; and

WHEREAS: this affects the Community Prevention Network of W.N.Y.; and

WHEREAS: Erie County serves as a pass through for state dollars, and it is this money that is being held: and

WHEREAS: without a signed contract and their state funds, the Prevention Network has no funds to operate with and have been forced to request a loan from their bank: and

WHEREAS: this may not come through quickly enough to save this agency and its programs.

NOW THEREFORE BE IT RESOLVED: That the Town Board of the Town of Boston adopts a resolution asking the County Executive to sign the contract and release the state funds for the Community Prevention Network of W.N.Y. so the agency can implement the programs authorized by the state.

AND BE IT FURTHER RESOLVED: that the Town Clerk of the town of Boston is hereby directed to send copies of this resolution to the County Executive Dennis Gorski.

Seconded by Supervisor Kennedy and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

RESOLUTION 1993 - 4

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 3rd day of February, 1993 at 7:30 P.M.

PRESENT:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don G. Wohlhueter	Councilman
Mark W. Flowers	Councilman

Councilman Wittmeyer presented the following resolution and moved its adoption;

As a result of a Public Hearing held at the Boston Town Hall on January 20th, 1993 relating to suggestions by the public of projects to be selected for funding during 1993, the Town Board of the Town of Boston offered the following resolution:

RESOLVED: that the Town Board of the Town of Boston submit the following projects to be considered for funding by the Erie County Community Block Grant Program for the year 1993

1st Priority - Senior Citizens - Community Room expansion and renovation

2nd Priority - Boston Library Improvement Program

BE IT FURTHER RESOLVED; that the Town Board of the Town of Boston authorize the Town Supervisor to sign, submit and execute any contracts relating to the described priority projects upon their approval by the Erie Community Block Grant Program,

Seconded by Councilman Wohlhueter and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

David J. Shenk, Town Clerk

REGULAR BOARD MEETING
FEBRUARY 3, 1993

TOWN HALL
7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Hilton I. Wittmeyer, Councilman David G. Zimmerman, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley, Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept the correction and adoption of the minutes of the January 20, 1993, Regular Monthly Meeting.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers that the General Fund and Special District Bills on Abstract #2, dated February 3, 1993 in the amount of $10,198.19 be paid.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #2, dated February 3, 1993 in the amount of $47,699.63 be paid.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to accept the Town Clerk's Annual Report for the Year 1992.

five (5) Ayes Carried

Resolution received from the Town of Amherst, re: Community Prevention Network received and on file in the Town Clerk's office.

RESOLUTION - 1993-3 COMMUNITY PREVENTION NETWORK OF WNY

Letter received from Mario M. Cuomo, Governor, State of New York, re: Fiscal Policies for 1993, stating that he will propose legislation which would give local governments the option of switching from real property taxes to local income taxes as a fairer way of paying for their schools. And also, a commitment to no, "new unfunded mandates in the coming year," and more. Received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer authorizing Highway Superintendent Ruchalski to spend Town Highway Funds as set forth on Form AC 984 "Agreement for the Expenditure of Highway Moneys"

five (5) Ayes Carried

Letter received from Erie County Water Authority, re: Hydrant Billings rate increase, Hydrants in District Town lines District #1 and District Townlines District #2 received and on file in the Town Clerk's office.

RESOLUTION - 1993-4 COMMUNITY BLOCK GRANT PROJECT

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to appoint Len Souliere as Recreation Supervisor in charge of the Youth Baseball and Softball programs. Salary is $1100.00 per year with two (2) payments of $550.00 one (1) at the end of June and the other at the end of September. This appointment will be effective immediately and expire on December 31, 1993.

five (5) Ayes Carried

REGULAR BOARD MEETING
FEBRUARY 3, 1993

TOWN HALL
7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to table the awarding of the Ambulance Garage Bids until the next Regular Board Meeting on February 17, 1993, to allow the Town Engineer an opportunity to review all the bids.

five (5) Ayes — Carried

On January 23, 1993, an inspection of Sprague Mobile Home Park was made by Supervisor Kennedy, Councilman Wittmeyer, Councilman Wohlhueter, Councilman Flowers, Code Enforcement Officer Kramer and the Maintenance Person assigned to the Park. A number of items were found in violation of the Town Mobile Court Law. A copy of the report was mailed to Mr. Sprague advising that the Town Board members are in agreement and unless and until we receive assurance that a program of clean-up and change has begun we will not issue a renewal license for the Court and will proceed to explore legal action necessary to promote improvements. To date we have not received a response from Mr. Sprague.

Supervisor Kennedy directed Town Clerk Shenk to send a copy of the report and letter by certified mail advising Mr. Sprague that we withhold the granting of a license. And if we do not hear from Mr. Sprague by March 1, 1993, he will ask the Town Attorney to start to prepare notification to the residents of the Park that Mr. Sprague does not have a licensed park and whatever remedial action is taken after that depends on the ordinance and the law.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to give Mr. Sprague of Sprague Mobile Home Park until March 3, 1993 to respond to the Town Board so that we can determine whether or not he intends to address a number of problems that exist in the Park and, if not at that time appropriate action will be taken.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to accept the fee of $622.50 for 97 homes and grant a Mobile Home Park License to Mr. & Mrs. John Falkides, Boston Hills Homes & Estates, effective January 1, 1993 to expire June 30, 1993.

five (5) Ayes — Carried

RESOLUTION 1993-5 REFUSE & GARBAGE LICENSE - C.I.D.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to grant permission to the Boston Baseball Association to use the Lion's Shelter and Baseball Diamonds on Saturday, July 31, 1992 for the Annual Baseball Picnic and All Star Games from 8:00 A.M. till dusk.

five (5) Aye — Carried

SUPERVISOR'S REPORT

A) Supervisor's Financial Report for January 1993 received and on file in the Town Clerk's office.

Supervisor Kennedy reported on a meeting held with Mr. Gugino, Deputy Commissioner, Erie County Division of Public Works. At that time they examined the situation that exists at the Hillcroft bridge. Supervisor Kennedy has drafted letters to the Army Corp of Engineers, County of Erie, Congressmen and others

TOWN OF BOSTON

RESOLUTION 1993-5

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

TO THE TOWN BOARD
TOWN OF BOSTON:

The undersigned herein applies for a License to collect and dispose of municipal solid waste (referred to hereinafter as "MSW") and recyclable material, and states the following:

1. Applicant's name and address, telephone number:

C.I.D. Refuse Service, Inc.

100 Ransier Drive

West Seneca, New York 14224

2. Applicant shall collect and dispose of municipal solid waste and recyclable materials in the following manner:

A) INSTITUTIONAL customers

i. Manner of Collection:

Recyclables - separate containers and truck

MSW - packer truck

ii. Manner and Place of Disposal:

Recyclables - C.I.D. Recycling

MSW - C.I.D. Landfill, Inc.

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - separate containers and truck

MSW - packer truck

ii. Manner and Place of Disposal:

Recyclables - C.I.D. Recycling

MSW - C.I.D. Landfill, Inc.

- TOWN OF BOSTON -

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

2. (Cont'd.)

C) COMMERCIAL customers

i. Manner of Collection:

Recyclables - separate containers and truck

MSW - packer truck

ii. Manner and Place of Disposal:

Recyclables - C.I.D. Recycling

MSW - C.I.D. Landfill, Inc.

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - none

MSW - none

ii. Manner and Place of Disposal:

Recyclables - _____

MSW - _____

3. The Applicant hereby agrees to:

(a) Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chap. 63 of the Town Code or not in conformance with this License (§63-502.B)

(b) To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (§63-502.C)

(c) To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with §63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information.

(d) To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Boston Town Code.

4. That Applicant has not been adjudged or determined to have violated Chapter 63 of the Town Code within the preceding calendar year.

FEE: $100

LICENSE GRANTED BY RESOLUTION
OF THE TOWN BOARD DATED 2/3/93.

David J. Hendl
Town Clerk

C.I.D. Refuse Service, Inc.
(type-in Company Name)

By: _____

Title: Operations Manager Date: 1/28/93

ACORD CERTIFICATE OF INSURANCE

CSR NR | ISSUE DATE (MM/DD/YY) 01/07/93

PRODUCER

Lawley Service Inc
120 Delaware Avenue
Buffalo, NY
14202

716-849-8618

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

CID Refuse Service Inc
4588 South Park Avenue
Blasdell, NY
14219

COMPANIES AFFORDING COVERAGE

COMPANY LETTER A — American & Foreign Ins. Co.

COMPANY LETTER B — Newark Insurance Company

COMPANY LETTER C — Royal Indemnity

COMPANY LETTER D

COMPANY LETTER E

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
	GENERAL LIABILITY				GENERAL AGGREGATE	$ 2,000,000
A	X COMMERCIAL GENERAL LIABILITY	ATY432474	01/01/93	01/01/94	PRODUCTS-COMP/OP AGG.	$ 2,000,000
	CLAIMS MADE OCCUR.				PERSONAL & ADV. INJURY	$ 1,000,000
	OWNER'S & CONTRACTOR'S PROT.				EACH OCCURRENCE	$ 1,000,000
					FIRE DAMAGE (Any one fire)	$ 50,000
					MED. EXPENSE (Any one person)	$ 5,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT	$ 1,000,000
B	X ANY AUTO	NTA432467	01/01/93	01/01/94		
	ALL OWNED AUTOS				BODILY INJURY (Per person)	$
	SCHEDULED AUTOS					
	X HIRED AUTOS				BODILY INJURY (Per accident)	$
	X NON-OWNED AUTOS					
	GARAGE LIABILITY				PROPERTY DAMAGE	$
	EXCESS LIABILITY				EACH OCCURRENCE	$ 1,000,000
C	X UMBRELLA FORM	RTQ432469	01/01/93	01/01/94	AGGREGATE	$ 1,000,000
	OTHER THAN UMBRELLA FORM					
C	WORKER'S COMPENSATION	93RTC432468	01/01/93	01/01/94	STATUTORY LIMITS	
	AND				EACH ACCIDENT	$ 100,000
	EMPLOYERS' LIABILITY				DISEASE—POLICY LIMIT	$ 500,000
					DISEASE—EACH EMPLOYEE	$ 100,000
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

CERTIFICATE HOLDER

Town of Boston
State Road
Boston NY 14025

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

William Lawley

ACORD 25-S (7/90)

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that he thought was necessary to bring their attention to the severe problem at the Hillcroft bridge. Some survey work has been done there. It is his understanding that some rip-rap will be placed there as a temporary measure so that the bank and roadway doesn't erode any further. We have already lost a 36" or 38" roadway culvert there and if something is not done soon, they are liable to loose the approach to the bridge and ultimately the road itself.

Another area that was looked at was the culvert on the State Road across from the North Boston Fire Company, Mr. Gugino said that there were plans to do something in the replacement of another culvert in that area, where we have had extensive flooding in the last couple of years. If they do this project this summer a portion of the State Road between the interchange of Zimmerman Road and Herman Hill Roads and B-Kwik will be closed, utilizing So. Abbott Road.

In regard to the status of Lower East Hill Road, as you know there were objection raised by residents on the road when plans and contracts were being planned to be let by the County of Erie. They have determined that they are going to try and maintain the same paved surface and shoulders and reduce the distance between the shoulders and the ditches. This will create a much deeper ditch which the County doesn't feel very comfortable with, but in an effort to alleviate some of the concerns and to minimize the disruption that a greater sized right-of-way would entail they have decided that this is what should be done. We are in the process now of redesigning the plans. According to Mr. Gugino it will be rebid this year or there will be changes made and they will go forward with that contract.

Supervisor Kennedy also asked about the Boston Cross Road and Mr. Gugino said, that contract is suppose to go forward this year, also.

Supervisor Kennedy and Mr. Gugino went to the Hamlet of Boston to review the deplorable conditions that exist there. The constant pounding of trucks hauling clay cap from Snyder Road into Buffalo has caused the road to shift, and it is in terrible condition. We are concerned that the entire roadway will be lost if something isn't done. This concern was pointed out to Mr. Gugino.

At 8:00 P.M. a Public Hearing was held to rezone the Carol Seamon property on Pfarner Rd. which is currently zoned Residential-Agricultural (R-A) to General Industrial (M-2).

Town Clerk Shenk read the Public Notice and the following correspondence relating to the Public Hearing on the proposed rezoning:

1) Letter from Carol Seamon requesting to rezone property on Pfarner Road from Residential-Agricultural (R-A) to M-2

2) Letter from Boston Planning Board denying Carol Seamon's application to rezone from R-A to M-2.

REGULAR BOARD MEETING
FEBRUARY 3, 1993

TOWN HALL
7:30 P.M.

Supervisor Kennedy convened the Public Hearing and asked Town Attorney Perley to explain the provision of section 265 of the Town Law and its implications or applications for the proposed zoning application. This is a section of the Town Law that is applicable to certain projects.

Town Attorney Perley: Section 265 of the Town Law pertains to among other things changes in the Zoning Law or the Zoning Map. Whenever, there is application to change the zoning law certain people that bear a relationship or live within a certain proximity of the property that will be affected by the zoning change may file a zoning protest. If the requisite number, proper number or sufficient number of people do that the zoning protest then requires the Town Board to cast the change by an extraordinary majority. By that the Law requires that at least three-fourths of the members of the Town Board, affirmatively vote to pass the law. An abstention in this case is considered a no vote. With a five person Board this would require four affirmative votes to pass the zoning amendment application, as opposed to three, which would constitute a simple majority. I have had faxed to me by the Town Clerk a petition containing five signatures together with information on the location of these signatories to the Seamon property based upon the information provided to me by the Clerk it appears to me at this time that there has been a valid zoning protest filed. Under those circumstances, subject to any change within that petition and further subject to verification by me to personally review the SBL numbers and make certain of the information provided to me by the Town Clerk. At the present time an affirmative vote of four members of the Board in my opinion will be required to pass the Seamon application.

Supervisor Kennedy asked the Town Attorney for the benefit of those gathered here today to explain condition rezoning, as some people may believe that once this property were rezoned, if in fact, that were the consensus of this Board that it would remain zoned M-2 which is the lowest classification of zoning that we have in the Town of Boston.

Town Attorney Perley: The Town Code provides and this was done in response to an amendment to the Environmental Conservation Law, that mining shall only be permitted in an M-2 zone. The reason for the amendment to the zoning law is purely defensive. It is defensive to the point of requiring anyone who wishes to mine in the Town of Boston to have to come before the Town Board. And for the Board to be able to consider whether or not they consider that appropriate or whether they consider the restoration plan appropriate. Were this not the case the Environmental Conservation Law and the D.E.C. would have total and complete jurisdiction over mining and the town would not be able to prevent mining, prohibit mining or control mining in any fashion throughout the town. Also, bear in mind that when we adopted the Zoning Law we adopted a concept of provisional or conditional rezoning, which allows rezoning for a specified purpose. However, the Town Board in my opinion has the power to rezone the Seamon property or a portion of the Seamon property depending on how it sees fit, if it so sees fit, for the specific purpose of fulfilling the terms of the mining permit for which there has already been an application filed by Cold Springs Construction. At the completion of that mining application or the termination of that mining application the property would then revert to its original zoning which is Residential-Agricultural (R-A). Therefore, were the Town Board to act upon this it would have the power and has the ability under the zoning law to allow this project and this project only within that and not to open that land up under M-2 zoning to other uses that are not appropriate in what is otherwise and

world that the Town of Boston wants is a pit that looks like a gravel pit, like the one in Clarence. They don't want that here. Is that what it is going to look like? We have someone who can answer that and explain exactly what it is going to look like. Jerry Shaffer who is an architect will be able to explain this to you. He has put together a relief map or scale and he can address that particular question.

Councilman Flowers: Mr. D'Agostino may I ask you a question, please sir, before we go any further? The last time that we sat down the Town Board and the Planning Board and Mr. Forestal, Mr Forestal conveyed to us that the Seamons planned to purchase the property, the seventeen (17) acres across the street. It was indicated that they planned to close on this parcel of property sometime in March. Have they indeed purchased this property and closed on it, are they the legal owner of that seventeen (17) acres at this time?

Mr. D'Agostino: It is under contract to close. It has not closed yet. The way this site is going to be developed, there is a very strong possibility that they may, in fact, change their mind as to the location of their home and put it right above this pond. The architect can show you. That is a very good likelihood in this case because the way things are shaping up that may be a very desirable location for them.

Councilman Flowers: Are you aware of the Steep Slopes Legislation that is proposed in the Town of Boston at this particular time?

Mr. D'Agostino: No.

Jerry Shaffer, Architect: After Cold Springs Construction meeting with your Planning Board last week they brought me in to study the aesthetic and architectural issues on this site and the project area based on the responses at the Planning Board. It is rather difficult to give a character of a site on a two dimensional drawing and even more difficult for me to try to explain it to you.

What I have done is prepared a Site Model of this parcel. This is the western fifteen (15) or sixteen (16 acres of the parcel. The area where Cold Springs proposes to remove the stone from the site. The model is at a scale of one inch (1") equals fifty feet (50') with a contour at intervals of two feet (2') all three dimensions look similar to this scale. At one inch (1") equal fifty feet (50') this is an accurate depiction of the lay of the land in its present configuration. It slopes at about one (1) in twelve (12), one in fifteen (15) to the east.

There was some concern that this was going to have the character of strip mine, stone quarry or something to that affect. So with the engineering drawings that Cold Spring prepared we put together this topographical model to give you an idea. Beginning at Pfarner Road in this meadow area the footprint of the five (5) acre pond and the new contours which slope about one (1) in four (4) along Pfarner Road, with a slightly steeper area over on the south then it begins to flatten out from one (1) to eight (8) downhill to the pond. This really in no way has the character of a mine or stone quarry. The undulating lines are basically natural in form and that is the way the owners of the parcel intend it to be.

The second issue was that the site, this quarry would be detrimental to future residential development on this site. I don't feel that this should be a concern. The area where you would want to build along Pfarner Road which has approximately a one (1) to four (4) slope as proposed here, would really lend itself quite well for hillside residential development. There

Mr. D'Agostino: The next question was will there be sufficient water run-off to maintain water in the four point six (4.6) acre pond.

Keith Tharnish, Erie County Soil and Water Conservation District:
When we design any of the ponds throughout Erie County we try to have maybe two (2) to three (3) acres of watershed per acre pond. If the pond has one (1) acre surface area we try not to have to big of a watershed coming into it otherwise the silt and sediment will accumulate in the pond and also you bring a lot more pollutants into the pond. It is my opinion that this pond will maintain water level with the exception of maybe a foot or two in a real hot dry summer.

Mr. D'Agostino: The last item in the Planning Board's letter was, I think already answered by the Town Attorney with respect to the towns' liability. However, with us tonight is Tom Bluhm, Project Engineer and he is the one who actually designed the pond itself and he can perhaps tell you what has gone into the design and what this pond will be when it is completed. Again that may assist those of us here in understanding, exactly what we are going to have when this job is done.

Tom Bluhm. Professional Engineer, Employed by Cold Springs Construction. When I set about designing this project I wanted to minimize the impact it would have on the existing woods. I didn't want to take away or cut any wood at all. I think we accomplished that fairly well. With the exception of the haul road we are not really disturbing any of the existing woods that are there. Rather than just making a big hole in the ground which people can do, I wanted to give the property owner some added benefit to having this material removed and that is where the idea of the pond came through. They can use it for recreation, swimming, for fishing if stocked with some type of fish. There are some shallow water areas which will promote wetland type growth, but we also designed it with a deep enough water area that you don't get a lot of weeds in the majority of the pond. Basically anything over five (5) to seven (7) feet will tend to not have much weed growth. As far as the Slopes, D.O.T. requirements, anything that is a flatter slope than a one (1) on two (2) which is one foot (1') vertical to two foot (2') horizontal would not require a guide railing. With a one (1) on four (4) slope, one foot (1') vertical to four foot (4') horizontal it's a fairly flat slope. It is not as flat as all slopes are that you see. It is certainly steeper than what is out there. The slope that is there is mowable. It won't be just overgrown with weeds or anything like that. You can get down there with a mower and mow that. It is not as steep as it may seem. A lot of roadway slopes in this area, in embankment areas are one (1) on four (4) slopes. If there is a guide rail it is generally one (1) on two (2) and those are fairly steep. One (1) on fours (4) are not.

Mr. D'Agostino: What we would like to do depending on what other procedure you prefer is if there are any questions that anyone wants to address to the specific people that just spoke we would welcome the questions. As I said is we would really want to allay any fears that anyone has. We understand the reasons for the fear and we honestly believe in this case there isn't a reason for anyone to fear this project. The property it self will in fact be enhanced when this project is completed.

Supervisor Kennedy: As time goes on and we hear from residents or the community, certainly if there is a question asked that we have not the expertise to answer or we do not have the information, I will call upon you or one of your group to see if they can address the problem or question.

REGULAR BOARD MEETING
FEBRUARY 3, 1993

TOWN HALL
7:30 P.M.

George Gleason, 9138 Zimmerman Road: I would like to submit a petition with one hundred-thirty-five (135) signatures on it.

The petition read as follows:

> To: Members of the Boston Town Board
> Re: Proposal to allow a mining operation on Pfarner Road
>
> The undersigned residents of Boston request that the Members of the Boston Town Board DENY the application of Carol Seamon to rezone 18 acres of land on Pfarner Road to the M-2 classification in order to allow a mining operation at that site.

George Gleason: In regards to the property up there. I helped build Mr. Boasberg's home and if I didn't speak up I'm sure he would be not to happy with me. I have taken care of the place for many years. On that particular section of land there is no water whatsoever. The watershed area on that runs normally back onto Mr. Boasberg's property. When we put the place in, there was one (1) little spring in the back. Then we put in approximately an acre lake for him back there, but took nothing out. All the dike was from the material that was used to make the property the way it is now. Mr. Buyers, whose property is right below there, when he built, there was no water down there. So where the building was there, there was a little dug well on Mr. Boasberg's property there, but in the summertime it was always dry. So from the Meyers Farm when Henry Miller and Bob Boasberg bought it there was a dug well down in the woods down there that Mr. Buyers got permission to use. He always wanted to buy that piece of property but they wouldn't sell. However, they gave him a permanent easement. When these people bought this they right away as far as I understand went down and tried to shut him off from using that well. Which was the only water he had that he could use. As far as the watershed according to Nussbaumer & Clarke it takes fifty (50) acre feet watershed for two (2) acres, if I am not mistaken in their report. There will be no where near that much. There is not much run-off there at all, it all goes to the rear. The water from the other side goes down the other side of Pfarner Road. So it is basically, a dry piece of property. When they say that they had made plans already to build on the seventeen (17) acres, that is false. That property when young Boasberg who just past away, that property just finally became available. If they have any plans drawn up, because he promised me two (2) years in a row that he was going to build on the other side of the land where this hole in the ground is going in. The first year he said, well, I can't do it, I don't have time. Next year I'll have that built and my kids will be in Eden School. My gripe about this is it's going to depreciate the property around. Like the well up there that they are talking about on Mr. Skopinski's, that was Henry Miller's and that was one lucky place on that hill that has an artesian well on it, that flows all year round. One blast in there and you know what happens to an artesian well. It goes the weakest way out. Right at the present time it is up the pipe. One crack and it goes the other way. This will be deep enough that it will cause that. When they came up through with the expressway people on Zimmerman Road were losing their wells one right after the other. On my property I drilled three (3) wells. On the property of my father-in-law they drilled five (5) wells before they got one and when the expressway went through they lost that and ended up having to drill another well and people all the way down the line. Even just moving a rock you can lose your water. For all the people on that hill over there it is really a sad case for water as it is. If you lose one (1) then what do you do? I rest my case.

Tom Momberger, 9000 Zimmerman Road: As you know the hill is very limited in its water supply and one of the promises that was made by their engineer tonight was that if something happens to a well that they would do everything in their power to correct that situation. I don't think it is in their power to do anything to a damaged well. Once the well is damaged and the vein is shut-off it is just about nonretrievable. There is very little you can do other than what George said to drill three (3) or four (4) wells and if you know the cost of drilling wells today it is not something that you want to get involved in. I know very little about this project right now because of the tardiness of this coming to the publics attention, I don't know if by design or by mistake. The only thing that I am going to comment on at this particular time is the lack of water on the hill and the frailty of the water system up there and any unnecessary digging or drilling or blasting could upset the delicate balance on the hill. To many people up there have the investment of their life and to lose a well is to lose their property. I know everybody who lives on the hill has gone through dry summers, it is tough but we put up with it because we like the area. If something as unnecessary as this is brought to Zimmerman Road and the South Hill and it upsets that delicate balance I think it would be frivolous on the Town Boards part to vote for this because there are so many other things that could be done up there. Rather than a project like this. If your going to do something. Lets do something positive up there. Something that is going to help the people up there. This is going to do very little for the people up there from what I can see. It is going to benefit one family and one construction company that is not even in the town. Before you make a decision on this I ask you to look very carefully at this and weigh all the facts, listen to everybody, to everybody' point of view even though you may not think it is relevant. Everybody has an opinion up there and to them it is an important opinion because we are home owners up there. We have been up there for a long time and we love our area. You all know me, because we have been through this before on different projects and I don't come down here unless I think it is important. I think it is very important that you give this your utmost consideration before you make a determination on this. Thank You.

Mark Wisher, 6345 Tillen Road: On December 23, 1992, Cold Springs applied for the permit for mining and about a week and a half ago a Planning Board Meeting was held, and today the test holes were dug, in the middle of winter. There is a lot of talk about shale being there. I don't know of to many ponds that can hold water when you have a lot of shale. How many truck loads of clay are going to be coming through our way in order to seal it?

Bob Van Der Horst: There will be absolutely no truckloads of clay. The shale is about five (5) or six (6) feet below the ground surface and below the topsoil which is about a foot thick. You have three (3) or four (4) feet of silty clay which is water tight. That will be stored until the pond is finished and three feet (3') of overburden will be put in the pond to make it water tight.

Mark Wisher: There was mention of sixty thousand (60,000) truck trips. That quarter mile section of Ptarner Road is not scheduled for any resurfacing. What happens to that section of road?

Supervisor Kennedy: Which quarter mile of road is that, Mark?

Mark Wisher: From where this hole is going to be to where the Tillen Road and Ptarner Road intersection is. If you look at the D.O.T. maps and what they are going to do, resurfacing and

repaving that road doesn't go up that far. Is that road going to turn into what Pfarner Road is now and what Boston Cross Road is?

Supervisor Kennedy: Andrew Forestal would you answer that question please?

Andrew Forestal, Cold Spring Construction: There is six hundred feet (600') of existing Pfarner Road off the contract that would be utilized by these trucks. We Cold Spring Construction will fix that road to the liking of the Town Board and the Town Highway Superintendent.

Mark Misher: I too, am concerned about the water. I have just over a gallon an hour recovery rate. I agree any kind of blasting that should happen. Nobody can guarantee that the well is not going to go bad. Although I may not be directly affected by this, I am not that far from it. I am very concerned. Another thing that concerns me, I know the mining permit is good for this project only. You can still take out a thousand (1,000) ton of gravel without getting a mining permit. Now, should this pond maybe not hold water or should plans change and somebody does not want to build there now. Does that allow them to go in there and continue to take out the thousand (1,000) ton of fill every year?

Supervisor Kennedy: I would have to ask the Code Enforcement Officer. I don't think you can take out over six hundred (600) cubic yards.

Town Attorney Perley: It depends on what is being taken out. Whether it is gravel, stone, topsoil, etc. There are different requirements from D.E.C. The D.E.C. doesn't have restriction over mining or what is defined as mining. The Town has a law that requires a permit to excavate short of what the D.E.C. threshold is for a mine. You have to come to the town to get a permit then.

Mark Wisher: I don't want to deny anybody from putting a pond in. I think they are great. Yes, it does bring in different habitat and everything. A lot has been said about this pond. That is not the issue here. The issue is taking of three hundred thousand (300,000) cubic yards or earth. You have to leave a hole there when you do that. I saw a map like this about a year and a half ago with the Rice Road project and everything looks nice now but. Drive up there now while the stumps are still there and see what we once had, which is forever gone. I can't help but believe that this could possibly turn into the same thing. Thank you.

Robert Buyer, 6426 Pfarner Road: My family has owned property at 6426 Pfarner Road for thirty (30) years. We have two (2) homes on that property and they are all dependent upon a single well that we hold by easement. When I first heard of this plan I called my friend Dick Forestal of the Cold Springs Construction Company and told him of my concern. Dick Forestal and his family and the Cold Spring Construction Company are first operators. They are good engineers, they are good business people, these people have integrity. Dick and Andy came out last week and we walked over the property. We spotted the well. We spotted the ravine. I told them of my concern. Dick and Andy said to me "I don't think that your well is going to be troubled. I don't think so." We mentioned the ravine and the depth just as the engineer has said. And they don't think that it would happen. That the well would be bothered. Well sir, that is not enough. That is not strong enough. Because if his don't think could be an error, then I am no place. You can't recover. There has already been one well there abandoned. If this well should then go dry, because the flow of the water

underground has been disturbed or cut-off there is no remedy for it. There is no remedy at all. An engineer who walked the land yesterday or the day before, that is not a good survey. That is not accurate. It is just walking around just as I did and making an opinion. Now we talk about the pond. Four point eight (4.8) acres. On my Pfarner Road property I have a pond that is about a third or an acre. It contains, my engineers told me, a million (1,000,000) gallons of water. So, then we talk about a four point (4.8) acre pond and I don't know how deep it is mine is only twelve (12) or thirteen (13) feet, I don't know how deep theirs is. I would make a rule of thumb guess that they are talking about fifteen million (15,000,000) gallons of water that would be contained in that pond. That is fifteen million (15,000,000) gallons that won't flow into the ground, it won't flow down the hill any more. Because, as my friends have said they are going to seal that pond so no water does leak out except for an overflow. We are going to lose whatever evaporates and is filled up over the winter and doesn't spill out. We are going to lose that, those of us downhill. You have heard several people say that the water situation on the Pfarner Road hill is precarious. You bet your life it is. We don't have washing machines because we are afraid. We do have a dishwasher in one our homes, but we don't use it. We are afraid. It's to much of a risk for those of us down on the hill to let this thing go through. We don't know what is going to happen when they blast. I can't take a man' word for something that is so important to us. Through no fault of this Town Board. The people on the east hill are in difficult water trouble. I have talked to Mr. Kennedy about it, I have talked to the Erie County Water Authority and there are plans to remedy it. There are no plans to bring city water over on the west hill. And there won't be for the foreseeable future. I hope this Board does nothing to jeopardize the people on the west hill.

I have heard Mr. D'Agostino tell us about being correct and proper and doing things the right way. Well, Mr. D'Agostino representing his clients tried to bluff me out of my well. Shortly after they acquired the property I got a letter from Mr. D'Agostino saying he'd be willing to lease, to rent my well to me. I wrote him back saying I don't need to rent my well. I have an easement and it is on Liber #, Page #, at the Erie County Clerk's Office. Well, he wrote back to me that we don't recognize your easement. Well, I was compelled to seek legal advise and eventually, he backed down. I did have a legal right to my easement. Protestations of good faith and honesty from this man don't hold much water with me. I hope that this Board considers the people downhill on the Pfarner when it makes its decision on this rezoning request. Thank you.

Mary Lou Brown, 9545 West Hill Road: We do have a water problem up there and that is a reality. I am concerned about what my recourse would be if I have a problem with the water after this development goes through. Who do I go to? Do I go to the Seamon's, the State, the people who did the work Cold Spring Construction, where do we go? I have nothing against future development. I have nothing against them putting a lake or a pond or anything else that fits with that area. Mr. Boasburg's property, that area is the most beautiful property in Boston, in my opinion.

Ron Skopinski and I are the only ones uphill from it. One of these gentlemen had mentioned that the water that will supply this pond comes from uphill. It makes me wonder what is going to happen to my well, and what recourse we will have? Someone else mentioned they don't want to take down trees. If you have traveled up West Hill Road and down Tillen Road in the last couple of weeks, it looks like Kuwait. It looks like a war zone. I know that project is not done and I am not trying to be overly critical, but I am concerned about what is going to be

done to make that look beautiful again like it used to look. What the Prarner Road is going to look like when their done, are they going to take the stumps down, what are we stuck with now? I don't begrudge these people for trying to put this in. If it is going to help them out, I am glad for them. If this is going to make the land more beautiful. That is wonderful. But, we do have a water problem and an aesthetic problem up there right now. I had the bank come in a little over a year ago to do some work on getting insurance on my home and actually, the fact, that we don't have a paved road, that we don't have water. Fire protection is a little precarious up there. This really worked against me. I am concerned about one more thing adding to that. It took me twelve years to save for my home. I built it seven years ago and the taxes are sky rocketing and the area is just not moving with it. I don't mean to be overly critical, I am just really very concerned.

I am at the highest point. When they said that the water was coming from the highest point, I dug two wells before I even got water up there. I am very fortunate. I do have a decent well. My neighbors do not. That is a reality. Without water what do we do up there we don't have any recourse. We can't tap into the city, if we loose our wells. So, what does happen to us if something happens? What does the Town do? If you are going to change this zoning to M-2 to facilitate this development can you at least deed restrict it to a residential use?

Town Attorney Perley: Were this property to be rezoned one of the ways the Board could do it would be to rezone it M-2 for the mining. When the mining is completed it goes back to agriculture.

Mary Lou Brown: Is there a guarantee on that?

Town Attorney Perley: That would be a Board Resolution. They fulfill the terms of the mining permit, they complete the excavation of the mining permit and the property automatically reverts to agricultural.

Mary Lou Brown: Do you have to rezone the whole property, or are you just going to rezone the area that is necessary for this pond?

Town Attorney Perley: That could be done either way.

Mary Lou Brown: What will you do?

Town Attorney Perley: That is up to the Board. If they rezone it at all.

Mary Lou Brown: Where will the house go that they are going to build on here?

Town Attorney Perley: I cannot speculate. We have no permit application on file.

Mary Lou Brown: Where do we go? If this pond goes in and all of a sudden we are sitting up there turn on our spigots and no water comes out. Where do I go? Do I go to my neighbors, my new neighbors now and go after them or do I go after the people who did the work?

Town Attorney Perley: I cannot give you private legal advise in my capacity as I sit here.

Councilman Flowers: You have an item #5 here. Cold Spring Construction doesn't anticipate the necessity of blasting based on the construction experience and knowledge of the excavation

methods used in the construction of Route 219 near Rice Hill Road. Cold Springs Will provide a Performance Bond to be used to correct any well water problems resulting from excavation of the pond.

James Smolinski, 5509 James Drive: I am a member of the Town of Boston Planning Board. I voted against this project. Mainly, because I am concerned for the welfare of the residents that live in that area. I experienced a very similar problem with my well when the expressway was started and finished back in 1980. I had plenty of water, good water, clear water, clean water. After the road was done, opened up and contractors gone. I started getting a lot of sediment in my well. Okay, now I start getting rusty water. However, I was very fortunate. I live in a water district. We have City water. Thanks to this Board. Some of the members are still here, some are gone. However, I was very lucky. Now, the people up there on that hill aren't lucky. They don't have any water. I know what their concerns are, I experienced it. As far as blasting goes. I was told at the Public Hearing at the Boston Valley Elementary School in regards to the project, a lot of you people here tonight were there I'm sure. That same question was asked. Are you going to blast? Well, we don't know. It's ripable. I got news for you they blasted and they blasted. Lets face it. We can all stand here and say well, maybe, maybe this, maybe that. That is not my concern. My concern is for the well being of those property owners up there. That is why I voted "No" against this project. Thank you.

James Coyle, 4647 Zenner Road: I have lived in Boston for fourteen (14) years and I am very proud of it. I love this area. I want to compliment the Cold Springs Construction on their presentation. I think it was a very fine presentation. However, I also, worked in the construction business for thirty-five (35) years. I have seen presentations like this before. They showed you a pond. This is not really a pond. It is what they call a "Borrow Pit". I worked on the 290 Expressway (Youngman Expressway). Right behind Syracuse Supply Caterpilar, otherwise known Military Road and the 290 there is a "Borrow Pit". I worked on the 400 Expressway at Lein Road by Transit Road. There is a "Borrow Pit". At the time when they dug these "Borrow Pits" they told the residents that it was going to fill up with water and become a pond. You could ice skate on there. The kids could have run and swim in the summertime, and have a good time. If you go by there today, there are no ponds there. What these are, are "Borrow Pits" holes in the ground junkyards. There are cars in there. They became race tracks. There is junk, tires, garbage and everything else in there. Both of these sites are eye-sores. I cannot understand why the Cold Springs Construction would go after the fill up there on that hill. When right on the corner of Zenner Road and Feddick Road is approximately ninety acres of Agriculture Land known as the Winkelman Farm. There is an existing mining permit on that property now. There are thousands and thousands of yards of gravel and no one is going after it. It is approximately a mile and a half away from the project. They are talking approximately a mile haul from this pond down to their job site. That half mile is not going to make that much of a difference. That land over there is agriculture. It is being worked as farm land agriculture. Also, it would be returned to agriculture. It will not affect any water tables in any way. I live right next door to the land. I look at that land. Right now it lies dormant. It has an existing mining permit. People throw garbage there. Myself and my neighbor Eddie Parysek, a lifelong resident of the Town of Boston. We both clean up the garbage there and dispose of it. Trying to keep our area clean. There is gravel there. Ninety (90) acres of it. It would be returned back to farmland. Thank you very much.

Andrew Forestal: Before the Bid I took a look at the property across the street from Eddie Paryser. Just to see if I could acquire gravel that would be suitable for the construction of our yard which is now located on West Hill Road. That material will not meet the specifications of the contract. I'm assured of that. I have not tested it independently. I have taken a look at it and also looked at other material, and I know what the requirements of the contract are and that will not meet the specifications of the contract.

A couple of comments about the clearing operation. It was a late contract, it was a late award. As everybody knows snow flies early up on the hill. We did not have the opportunity to carry on very many operations here. We had to get the trees down so the utilities companies would be able to relocate utilities. That is all we had time to do. We will be going on with construction in the spring and continue through the construction year and on into 1994. The way that the site is left currently is just an absolute condition on weather. We were not able to pursue it, once it got to be inclement weather.

Lisa Rood, 8798 Zimmerman Road: I would like to give the ground water expert and opportunity to explain how it could not affect wells on the hill.

Bob Vanderhorst: The upgrading wells.

Lisa Rood: Any of the wells on that end of the hill. Use in reference how water tables work, whats under ground there. how a large hole ripped from the earth could not affect someone's well that is a half mile or mile away. Tell me how you can go down or up the 219 Expressway after it has rained and see water coming out of the sides of the cliffs. Where would that water have been, do you think if that 219 Expressway was not there. It would still be in the earth. It would still be in our wells. I just want to echo the concerns of everyone else up here on the west hill that need water. That need the water that is still in their wells. That cannot afford in any way to loose one drop of it. I would like you to explain how it can't affect water. Uphill or down hill.

Bob Van Der Horst: Basically, the area that I surveyed is mostly in the lower vicinity of the lower end of the property. As I stated earlier the property that is downhill on the other side of the ravine, it is my opinion that the water is not charged from this area at all. This project will not have any affect. The ground water flow in that area would be more from that area up gradient towards the right area. Now what you are saying basically is, what type of affect will I have on the up gradient wells also. Your ground water from the up gradient wells is mostly coming from above. Then your wells will charge. Your water on the uphill wells is actually being charged from water that is up gradient of this site. Your wells will be charged before it even hits this pond.

Lisa Rood: Do you know what the earth consists of up there? Do you know what is under ground?

Bob Van Der Horst: Yes. That is why we did some testing.

Lisa Rood: What?

Bob Van Der Horst: Basically, we have a foot of topsoil and then about five or six feet of overburden and then we have thinly bedded shale.

Lisa Rood: What is forty-two (42) foot down?

Bob Van Der Horst: More shale.

Lisa Rood: How is water retained in that?

Bob Van Der Horst: Confined aquifer in the ground water there.

Lisa Rood: Explain what that is.

Bob Van Der Horst: Confined aquifer is basically water is traveling through the seams of the shale. There is no doubt about it.

Lisa Rood: If you rip open that shale and expose those seams, what is going to happen to the water that would normally be there?

Bob Van Der Horst: If you left them exposed, yes, it would fill up the pond and the water would go out on the other side. But you are lining the pond and the water that comes from the pond will be mostly from surface water. The water from the shale will travel around or whatever, in that direction. Then, as I explained in the first place.

Lisa Rood: The water that normally would be in that rock, in the seams would now be gone?

Bob Van Der Horst: No.

Lisa Rood: That rock is gone.

Bob Van Der Horst: The water is traveling through the shale. You put the pond in there, you seal it. That water will not travel into the pond from underground. It will travel around the pond and continue to go down. When you seal a pond you are sealing it to retain water. You can only retain the water that comes in there from the surface. That water that travels through the shale bedrock will travel around the pond, and continue to work. It will not seep into the pond because you are putting an impervious area down. It not only will attract the water inside the pond that comes from the surface. It will also prevent water from the rock going into the pond at the same time. It is a two-fold purpose. It saves the water for the wells and it also traps surface water for the pond.

Andrew Forestal: I have been very sensitive to this well issue right from the start. I have met with the owners and we went through numerous consultations about the design of the pond, location of the pond, how it would affect their eighteen point five (18.5) acres of open area and their ultimate sixty-one (61) acres. I also took a looked at other areas because that was not the only potential site. I discussed with a couple of owners and discussed the well issue which has been a concern of mine right from the start.

If you take a look at literature published by the Erie County Soil and Water Conservation Service, they advocate that if they were designing the pond they would require that roughly fifteen (15) inches of liner be required to line the pond. We have been extremely concerned of your concern right from the start. We advocated prior to that knowledge from them. Just from our construction experience, that we line the pond with three (3) feet of liner. As an additional insurance that we would not have infiltration from the rocks into the pond, or so that we would have a full pond not having water going from the pond back into the rocks. Rather than having a pond that was five (5) or (6) feet less than it possibly could.

Mr. D'Agostino: I would like to address the man who said that I wrote him a letter. I don't want to make an issue of it, but yes, I did write him a letter. I think his recollection of the circumstances is a little different from mine. What had

happened was and the reason I'm bringing it up is I don't think that it is a question of anyone's integrity. What had taken place was on my clients Title Documents there was no easement, for some reason that was missed by the Title Company. When it came to our knowledge that someone was using a well there, that's how the whole thing came about. When it was learned that there was infact an easement that was the end of it.

With the question of the wells. Obviously, that is the major concern here. Maybe I can add some additional comfort to the property owners. At least I hope I can, because inspite of what has been said, I am sincere about this. Cold Springs would be willing and I don't represent Cold Springs but I have talked to them. That they would be willing to provide a Bond that would in affect rectify. If there was a problem. And I think this really goes to the point that they don't believe there is going to be a problem. They would be willing to post a Bond to insure that if there was any damage or adverse affect to anyone's well that the Bond would be there to protect against that.

Secondly, they would also be willing if the Board feels it necessary to proceed with this project on an admonition and restriction that no blasting at all be done. As you heard before the only idea that there might be blasting was someone's estimate that there might be if necessary, about a five (5) percent chance that it would be necessary. They don't really believe that it will be necessary. They are willing to accept the M-2 zoning with that restriction and with the requirement that a Bond be posted to protect the property owners.

I don't know realistically, what else can be done to satisfy everyone. I think what everybody has to remember is, that my clients, are also property owners up there. What adversely affects everyone else will also affect them. They don't want to see that happen either. From that standpoint, we are with the property owners on this. Although we definitely would like to see this project completed. I am excited about the fact that Cold Springs will in fact post a Bond to protect against any damage to the wells. I think it should allay most fears if the Board again places a restriction on the zoning that no blasting be permitted. Thank you very much.

Lisa Rood: What protection would this Bond afford and what would the radius be from the project?

Town Attorney Perley: I think those issues would have to be considered somewhere downstream. There are a couple of other issues that have to be addressed from a technical standpoint under SEQR that might also be involved.

George Gleason: I don't feel that it will fill up. Lets take the chance that it does fill up. People in this area know what we get when we get a gully washer here. Where they have the end of this spill going out, obviously they are not there to watch it. If this should go out which is eight million (8,000,000) gallons of water. If it cuts through. Where is it going to go? It could happen. It did happen down on Boasberg's. We diked up that ravine from Ormsby's.

Supervisor Kennedy: There is a dike there?

George Gleason: There was. That was all diked and it filled up with water almost all the way back to Prarner Road. We got a gully washer and it took it out. Luckily it was in the gully and it went down through slowly. Not in this area. There is no gully there. It will washout Mr. Buyer's property and everybody else down the way.

REGULAR BOARD MEETING
FEBRUARY 3, 1993

TOWN HALL
7:30 P.M.

Tom Bluhm: Excavation was designed so that there was no dike to be constructed to retain the water. It is a hole in the ground. There is no dike above ground. Drainage out of the pond itself follows an existing drainage gully that traverses through the woods as it is now. We did not want to propose a dike because it is much tougher to get that type of proposal through the D.E.C. basically we did not do that. We kept everything below the original ground on the outside. There is no dike. The three (3) feet of lining should retain the water in there. There is an eighteen (18) inch corrugated steel pipe for minimal overflows and light rainfall. There is also an overflow weir gear design which will let larger quantities of water flow through that. That is protected by heavy stone cobbles in that portion of overflow weir.

Tom Momberger: The Master Plan has soil stability in all different parts of the town and I think it would be interesting if they looked at the soil stability in that area. And if what this gentleman says is true about that being able to retain fifteen million (15,000,000) gallons of water according to Mr. Buyers calculation. I think that would be a good point for the Town Engineer to take a look at. To see if this property is able to maintain that amount of water.

Frank Lisowksi, 5461 Shero Road: Most roads when they are designed are usually designed on a cut an fill basis. Its more economical for one, the same type of fill as the soils around, its compacted the same way and everything else. Why was this road designed three hundred thousand (300,000) cubic yards short? What is your ramification, meaning of modification on the road with the Project Engineer on site before the spring weather sets in. Modify that road where you can maybe cut a little here and you don't have to put this pond in. Use these high spots your cutting off as the fill. I don't know how long we are on this project. I really don't know. I know that the trees are down. I don't see any excavation being done or much of it yet. What is the feasibility of remodifying or redoing this road a little bit so this pond doesn't have to be dug and the fill can be garnered from on site?

Andrew Forestal: We'd love to. We are not the designers.

Supervisor Kennedy: I think what that amounts to is that there is a certain grade level that they have to maintain. You would have a much steeper grade level than that, you don't have enough fill there to maintain the grade level that is required from the D.O.T. They have maximum grade levels.

I think everyone is aware of the steep roadways we have in that particular end of town where you previously went down Polish Hill Road or Pfarner Road or Rice Road they are all very steep drop offs. It wouldn't certainly be acceptable for an access road. That is one of the reasons why the Fire trucks etc. utilize Brown Hill Road, because there is no other roadway there that is really attective to service that end of the community. This road when constructed will have a grade level that is acceptable.

A recommendation was made by Supervisor Kennedy to recess the Public Hearing because of factors that have been brought to our attention here to review some of your comments and to review with the Planning Board some of their concerns and some of their comments. Also, to give the board members and opportunity to do the same.

Supervisor Kennedy received call today from Ken Tart of the D.E.C. in Olean and they are doing the SEQR review for this particular project.

REGULAR BOARD MEETING
FEBRUARY 3, 1993

TOWN HALL
7:30 P.M.

Supervisor Kennedy asked the Town Attorney to comment on that.

Town Attorney Perley: It is my opinion that a recess opposed to a close of this Public Hearing is in order. When this application came in I had a conversation with D.E.C. and I suggested to the Board that this matter should be subject to coordinated review. The reason for doing that was fairly simple. The Town Boards jurisdiction over this entire application is really a yes or no in the first instance on a rezoning application, subject to certain other factors that we have opened the floor to tonight. The D.E.C.'s involvement with the application is much more intricate. It also includes reconstruction of the road, design of the road for the transportation of the shale. Specific design of how the shale is going to be taken out. The reconstruction of the Borrow Pit. The storage of the clay and the topsoil and the regrading. With a coordinated review you have to have a lead agency and the D.E.C. because of its expertise in the area and because of its involvement in the area is the lead agency. We intend to send a detailed transcript of the proceedings tonight to D.E.C. as part of their review of the application. The D.E.C. as the lead agency will then make a determination. The Town Board and the Planning Board have deferred to the expertise of the D.E.C. subject to the information that we have been able to obtain tonight from the residents. Subject to the information that the Engineers provided and we will send that down to D.E.C. to incorporate within their review process. Until that review process is complete it is not appropriate for the Town Board to act. Since this is an ongoing review process from D.E.C.'s standpoint there may be modifications in the project. Not saying there will be but there might be. To the extent that there may be modifications in the project that would affect the rezoning application the Town might have to, not necessarily would, might have to republish the a Notice for Public Hearing.

Town Attorney suggests to the town Board that rather than close this Hearing they merely recess it to a date and time certain so that everybody knows when the next time the Hearing will be reopened is going to occur. At that time if there is any new information from the D.E.C. or otherwise it can be taken. The meeting may or may not be recessed again. Depending on the status of D.E.C. processing of the application. If we recess the Hearing, we recess it to a date certain, make sure that the people here are aware of it. Then continue to keep you informed. That is the way SEQR plays into the zoning application. That is why the Town Board is not in a position to take any action. That is why I suggest to the Town Board that rather than close this Hearing they recess it,

Mr. Buyers: I too, had a conversation with Mr. Taft. His point to me was that this Town Board because it has a zoning ordinance in being. It is the ultimate authority. That if this Town Board should decide either to accept or reject this application the D.E.C. would drop out because this is the last authority on this thing.

Town Attorney Perley: There is concurrent jurisdiction. The point is that the D.E.C. is the lead agency. Under SEQR we should defer to them for their determination. Their determination may well affect the way that this Board handles the application. Not saying it will but it might.

Supervisor Kennedy: I will ask the Town Attorney to review the SEQR Law and review this with Mr. Taft. My understanding is that we have deferred to the D.E.C. as the lead agency and consequently, they want to review at least the documentation and the presentations that were made by the citizenry here tonight before that make a determination of how they would proceed.

REGULAR BOARD MEETING
FEBRUARY 3, 1993

TOWN HALL
7:30 P.M.

Mark Wisher: I also, called Mr. Taft. After you do your thing here with the zoning doesn't a Public Notice have to be served.

Town Attorney Perley: There is a Notice and Comment Period. If there is going to be a mining application granted there is a Notice and Comment Period with the D.E.C. If it gets that far. That goes with the granting of the application.

Mr. Wisher: This still is another opportunity for us.

Town Attorney Perley: You have a lot of opportunities. You have opportunities there and here. We owe the applicant his full procedure of Due Process here.

Supervisor Kennedy: You have heard the recommendations of the Town Attorney and I certainly an in agreement with what he has said.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer at 9:50 P.M. to recess the Public Hearing to March 17, 1993 at 8:00 P.M.

five (5) Ayes Carried

Supervisor Kennedy thanked everyone present for their comments and also for the presentation that was made by Cold Springs Construction to allow the Board the opportunity to understand this project in more detail.

SUPERVISOR'S REPORT CON'T.

Received from the Erie County Human Resources Corporation, Inc. notice that Erie County is now beginning to prepare for the Summer Youth Employment and Training Program. We utilize this training program and we incorporated many of the youth in both the Highway Department and the Parks Department in the past. We will be in the process of submitting an application once again on behalf of the Highway and Parks Departments for the use of these same youths when they begin work around July 6, 1993.

Supervisor Kennedy appointed the following to the Boston Arts Council:

Robert Brunner	Emma Dusch
Richard Klinczar	Gerald O'Brien
Joseph Orffeo	Chester Rosinski
Joseph Terrizzi	

All appointments are effectively immediately and expire December 31, 1993.

Supervisor Kennedy appointed the following to the Town of Boston Youth Board:

Paul Becker, President	Tina Frascella, Vice President
Betty Vara, Secretary	Ronald Smith, Treasurer
Linda Dion	David Fregelette
Jerry O'Brien	Len Souliere
Tony Staub	Gary Vara

All appointments effectively immediately and expire December 31, 1993.

TOWN CLERK'S REPORT

Announced additional Saturday Hours for the 1993 Town & County Tax Collection as follows:

9:00 A.M. - 3:00 P.M.	February 20, 1993	February 27, 1993
	March 6, 1993	March 13, 1993

REGULAR BOARD MEETING
FEBRUARY 3, 1993

TOWN HALL
7:30 P.M.

A motion was made by supervisor Kennedy and seconded by Councilman Flowers to authorize Town Clerk Shenk to purchase a Bulk Rate Mailing Permit - 1st Class to be used for mailing out tax bills. Annual Permit Fee of seventy-five dollars ($75.00). A one time purchase fee to purchase a plug from Pitney Bowes of approximately forty dollars ($40.00).

five (5) Ayes — Carried

Town Clerk Shenk advised the Board that his application for Records Management Grant was mailed out on Monday, February 1, 1993. What will be applied for in this grant is steel shelving for the downstairs and upstairs vaults. The purpose is to replace the wooden shelving now being used to store records. Also, for one cubic foot record storage boxes. These will replace the current boxes that are large drawer-like boxes. The one cubic feet boxes are what the State Archives and Records Administration recommend. He also, would like to get the Sara Software which will be used to computerize the records inventory and help in maintaining the Records Management Program.

SUPERINTENDENT OF HIGHWAYS

Specifications for a heavy duty single axle dump truck were placed out and the bids were opened on Monday, February 1, 1993. We received four bids on the cabin chassis from Bison Ford, Hansen International, Buffalo Mat and White. Also, on the snow plow, wing, hydraulics and the box we received two bids one from Valley Equipment and one from Roberts Equipment.

Highway Superintendent Ruchalski would like to table the awards until the next Town Board Meeting on February 17, 1993 as he has not had time to review the bids thoroughly. This will be ready for the next meeting.

COUNCILMEN

Councilman Flowers commented that the Town of Cheektowaga has agreed to sell us streetlight standards from them at the price of two hundred dollars ($200.00) a piece. This is a tremendous savings over the purchase a new light standard.

Councilman Wohlhueter announced that the Solid Waste Committee will be meeting next Thursday night, February 11, 1993 at 7:00 P.M.

Councilman Zimmerman reported that the Town Board met with the Emergency Squad after the last Town Board meeting and got their feelings of what they are looking for as far as additional space. There will be more to report at a later date.

Councilman Wittmeyer received a packet with two hundred (200) signatures on a petition addressed to the Traffic Safety Committee requesting a reduction of the speed limit in front of the Boston Valley School.

Councilman Wittmeyer asked Highway Superintendent Ruchalski to contact Erie County with regard to his request for the replacement of a "Schoolbus" Stop Sign on Back Creek Road that has not been put up yet.

Councilman Wittmeyer received a call from the Patchin Fire Company advising that they are taking this up with the County and also with some officials in Buffalo that on Sunday morning from 4:30 A.M. until 12.00 P.M. (noon) Cole Road between Omphalius Road and Liebler Road was not passable. They could not get to their Firehall and had there been an emergency up

REGULAR BOARD MEETING
FEBRUARY 3, 1993

TOWN HALL
7:30 P.M.

there, there was no way they could have gotten there to assist anybody. They feel that with the light snow that did fall and the wind, with the County's new plowing schedule it is putting them in a precarious situation up there in case of an emergency.

CODE ENFORCEMENT OFFICER'S REPORT

A) Code Enforcement Officer's Monthly Report for January 1993 received and on file in the Town Clerk's office.

DEPUTY CODE ENFORCEMENT OFFICER'S REPORT

A) Deputy Code Enforcement Officer's Monthly Report for January 1993 received and on file in the Town Clerk's office.

DOG CONTROL OFFICER'S REPORT

A) Dog Control Officer's Monthly Report for January 1993 received and on file in the Town Clerk's office.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to adjourn the meeting at 10:06 P.M.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING TOWN HALL
FEBRUARY 17, 1993 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley.

Absent were Councilman David G. Zimmerman, Superintendent of Highways Eugene E. Ruchalski.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to accept the correction and adoption of the minutes of the February 3, 1993 Regular Monthly Meeting.

four (4) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers that the General Fund and Special District Bills on Abstract #2A, dated February 17, 1993 in the amount of $94,157.90 be paid.

four (4) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the Highway Bills on Abstract #2A, dated February 17, 1993 in the amount of $8,129.26 be paid.

four (4) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the Town Clerk's Monthly Report for January 1993.

four (4) Ayes Carried

Letter received from N.Y. Assemblyman Francis J. Pordum, Re: Governor Cuomo's 1993-94 budget for revenue sharing and CHIPS, received and on file in the Town Clerk's Office.

Resolution received from the Town of Eden, Re; Dedicated Highway and Bridge Trust Fund.

RESOLUTION 1993 - 6 DEDICATED HIGHWAY AND BRIDGE TRUST FUND

Letter received from Barrett Kreisberg, Chairman, N.Y.S. Board of Equalization and Assessment, Re: Local Services Program.

Supervisor Kennedy commented that we will continue to maintain the high quality of our assessment rolls. It is unfortunate that the State Board of Equalization and Assessment is being limited in their services.

Letter received from James E. Wheeler, President, American Federation of Government Employees Local 2930, Re: Proposed Corp of Engineers Reorganization.

Supervisor Kennedy directed the Town Clerk to draft a letter in support of Mr. Wheeler's efforts to maintain the status quo in the Buffalo area. Also, to direct a letter to Congressman Jack Quinn, Senator D'Amato and Senator Moynihan.

Letter from Alan J. Laurita, V.P., Envirogas, Inc., Re: State oil and gas regulatory program.

Supervisor Kennedy commented that there is no way that a small municipality such as the Town of Boston could monitor the care and dismantling of gas wells in the area. This certainly is a state function and should remain so, where they have the expertise to do so.

TOWN OF BOSTON

RESOLUTION 1993 - 6

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 17th day of February 1992 at 7:30 P.M. Eastern Daylight Saving Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman
ABSENT:	David G. Zimmerman	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, the preservation of the state aid for local highways is essential towards improving the safety, efficiency and structural quality of streets, highway resurfacing and bridge work at the local level, and

WHEREAS, in 1991, Governor Cuomo signed into law legislation creating a Dedicated Highway and Bridge Trust Fund, yet at this time there still is not any dedicated source of revenue for the trust fund, and

WHEREAS, until recent years local governments relied on state aid revenue sharing to fund their road and bridge infrastructure and already state aid has been reduced to only 15 - 20% of local government highway budgets, and

WHEREAS, local governments cannot bear further reductions in state aid, and

WHEREAS, New York State has a duty to support local governments in their efforts to stabilize the regressive property taxes on which we depend and any further reduction or elimination of state aid for highway and bridges would seriously affect municipal road construction and maintenance, and

WHEREAS, towns already receive a disproportionate share of highway funds according to the Erie County Town Highway Superintendents' Association as follows: the County of Erie receives $3,900 per mile, cities receive $2,600 per mile, villages receive $1,800 per mile and TOWNS ONLY RECEIVE $780 PER MILE, and

WHEREAS, New York State Government has a duty to establish a source of revenue for this Dedicated Highway and Bridge Trust Fund without keeping local governments and their constituents in a constant state of uncertainty with regard to their financial planning and budgeting;

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Boston commends the creation of this Dedicated Highway and Bridge Trust Fund to assist local municipal highway infrastructure work, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Boston urges the New York State Governor, Legislature and Senate to complete the Dedicated Highway and Bridge Trust Fund by establishing a dedicated source of revenue, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Boston urges the State government to establish a more equitable system of distributing current revenues for highway maintenance so that Towns are not bearing an unfair burden of the financial responsibility, and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Boston is hereby directed to furnish a certified copy of this resolution to Governor Mario M. Cuomo, Senator Dale M. Volker, Assemblyman Francis J. Pordum; Richard A. Smith, President, Erie County Town Highway Superintendents' Association, and all municipal governments of Erie County

Seconded by Councilman Flowers and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Absent
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 4 NOES: 0 ABSENT: 1

David J. Shenk

DAVID J. SHENK, TOWN CLERK

Supervisor Kennedy asked the Town Clerk to draw up a letter to our Legislatures indicating our concern with the proposal that has been offered by Governor Mario Cuomo.

Letter from Rolfe S. Porter, Executive Engineer, Erie County Water Authority, Re: Hickory Meadows Subdivision Town of Boston. It is our conclusion from test results that we cannot approve service to a portion of the proposed subdivision. These facts have been conveyed to the consulting engineer and have discussed the test results with Mr. Bob Pettit.

Supervisor Kennedy commented that when the Board approved the Hickory Meadows Subdivision that it was brought to our attention by Councilman Flowers that he was concerned with the water pressure at the southern end of the community. We also, have had this same report from the Boston Fire Department.

Town Attorney Perley commented that it is the developers responsibility to satisfy the Planning Board that there is water available. There are standards within the Erie County Water Authority Tariff and the Lease Management Agreement which provide for the Water Authority to deny service when the Water Authority Main must be appropriate to the service demanded. Supervisor Kennedy, Town Engineer Pettit and I have been working on this problem.

Letter received from Maria Martens, Coordinator, E.C. STOP-DWI, Re: 1992 STOP-DWI contract received and on file in the Town Clerk's Office.

Letter received from Erie County Department of Environment and Planning, Re: Lower East Hill Road reconstruction, resurfacing.

Supervisor Kennedy commented that this letter is notification from the State that the County is going to do the SEQR study on the Lower East Hill Road and they are going to seek a negative declaration.

Modifications of the original plans have been made with the same ten foot (10') driving lanes, four foot (4') shoulder. However, the area of disturbances has been reduced by minimizing the shoulder area, which result in deeper ditches. This will result in less trees being cut down and less disruption of shrubbery along the highway and perhaps alleviating some of the concerns of many of the property owners.

On February 1, 1993, bids for the Ambulance Garage Addition were publicly opened and read aloud as follows:

Contract A: General

Contractor	Base Bid	Alternate
Allstate Maintenance Co., Inc.	$71,200.00	$69,700.00
Feddington-Allen, Inc.	82,000.00	78,100.00
L.G.T. Construction	87,000.00	84,000.00
LCP Construction Corp.	88,890.00	86,000.00
KBCC, Inc.	91,750.00	90,750.00
The Woodbridge Construction Group, Inc.	95,290.00	No Bid
Engineer's Estimate	70,000.00	68,000.00

REGULAR BOARD MEETING
FEBRUARY 17, 1993

TOWN HALL
7:30 P.M.

Contract B: HVAC

Contractor	Base Bid	Alternate
B.H. Refrigeration, Inc.	$12,950.00	$12,900.00
Vastola Htg. & Air Condition Corp.	14,870.00	13,703.00
Engineer's Estimate	8,000.00	8,000.00

Contract C: Plumbing

Contractor	Base Bid	Alternate
G&W Plumbing & Heating Inc.	$15,780.00	N/A
Ackerman & Huebsch, Inc.	22,689.00	N/A
Matthew Kandefer, Inc.	24,475.00	N/A
Engineer's Estimate	18,000.00	---

Contract D: Electrical

Contractor	Base Bid	Alternate
C.V.M. Electric, Inc.	$ 8,939.00	$ 8,869.00
Frey Electric Construction Co., Inc	9,276.00	9,276.00
Weydman Electric, Inc.	9,825.00	9,945.00
Cannon Electric, Inc.	11,950.00	12,275.00
Engineer's Estimate	9,000.00	9,200.00

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to by-pass Allstate Maintenance Co., Inc. for the reasons described in the document we received from Nussbaumer & Clarke, Inc. Consulting Engineers, and for the reasons that Supervisor Kennedy received from people that Allstate Maintenance Co., Inc. have done work with and award the contract for the Ambulance Garage Addition - Contract A: General to Feddington-Allen, Inc. the second lowest bidder in the amount of $78,100.00.

four (4) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter at the recommendation of Nussbaumer & Clarke, Inc. to award the Ambulance Garage Addition - Contract B: HVAC (heating & refrigeration) to B.H. Refrigeration, Inc. in the amount of $12,900.00.

four (4) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy at the recommendation of Nussbaumer & Clarke, Inc. to award the Ambulance Garage Addition- Contract C: Plumbing to G&W Plumbing & Heating, Inc. in the amount of $15,780.00.

four (4) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy at the recommendation of Nussbaumer & Clarke, Inc. to award the Ambulance Garage Addition - Contract D: Electrical to C.V.M. Electric, Inc. in the amount of $8,869.00

four (4) Ayes Carried

RESOLUTION 1993 - 7 REFUSE & GARBAGE LICENSE
MAPLE CITY DISPOSAL SERVICE, INC

TOWN OF BOSTON

RESOLUTION 1993 - 7

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

TO THE TOWN BOARD
TOWN OF BOSTON:

The undersigned herein applies for a License to collect and dispose of municipal solid waste (referred to hereinafter as "MSW") and recyclable material, and states the following:

1. Applicant's name and address, telephone number:

MAPLE CITY DISPOSAL SERVICE, INC.

9 N. MAIN STREET P.O. BOX 267

DELEVAN, N.Y. 14042 716-496-7480

2. Applicant shall collect and dispose of municipal solid waste and recyclable materials in the following manner:

A) INSTITUTIONAL customers

i. Manner of Collection:

Recyclables - _____

MSW - _____

ii. Manner and Place of Disposal:

Recyclables - _____

MSW - _____

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - _____

MSW - _____

ii. Manner and Place of Disposal:

Recyclables - _____

MSW - _____

- TOWN OF BOSTON -

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

2. (Cont'd.)

C) COMMERCIAL customers

i. Manner of Collection:

Recyclables - SOURCE SEPARATION PICKED BY TRAILER

MSW - CONTAINERS PICKED BY PACKER TYPE TRUCK

ii. Manner and Place of Disposal:

Recyclables - WHERE MARKETS ARE AVAILABLE

MSW - MCKEAN COUNTY LANDFILL

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - SOURCE SEPARATION PICKED BY TRAILER

MSW - PICKED BY PACKER TYPE TRUCK

ii. Manner and Place of Disposal:

Recyclables - WHERE MARKETS ARE AVAILABLE

MSW - MCKEAN COUNTY LANDFILL

3. The Applicant hereby agrees to:

(a) Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chap. 63 of the Town Code or not in conformance with this License (§63-502.B)

(b) To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (§63-502.C)

(c) To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with §63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information

(d) To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Boston Town Code.

4. That Applicant has not been adjudged or determined to have violated Chapter 63 of the Town Code within the preceding calendar year.

FEE: $100

LICENSE GRANTED BY RESOLUTION
OF THE TOWN BOARD DATED 2/17/93.

David J. Shenk

Town Clerk - DAVID J. SHENK

MAPLE CITY DISPOSAL SERVICE, INC.
(type-in Company Name)

By: [signature]

Title: PRESIDENT Date: 2/8/93

TOWN OF BOSTON

RESOLUTION 1993 - 8

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

TO THE TOWN BOARD
TOWN OF BOSTON:

The undersigned herein applies for a License to collect and dispose of municipal solid waste (referred to hereinafter as "MSW") and recyclable material, and states the following:

1. Applicant's name and address, telephone number:

BFI-Niagara Sanitation Co., Inc.

2321 Kenmore Avenue

Kenmore, New York 14217

693-5185

2. Applicant shall collect and dispose of municipal solid waste and recyclable materials in the following manner:

A) INSTITUTIONAL customers

i. Manner of Collection:

Recyclables - Co-mingled and source separated containers

MSW - Hand service and containers

ii. Manner and Place of Disposal:

Recyclables - Material Recovery Facility (MRF) - Kenmore, NY

MSW - Occidental Waste-To-Energy Plant
Niagara Landfill

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - Co-mingled and source separated containers

MSW - Hand service and containers

ii. Manner and Place of Disposal:

Recyclables - Material Recovery Facility (MRF) - Kenmore, NY

MSW - Occidental Waste-To-Energy Plant
Niagara Landfill

- TOWN OF BOSTON -

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

2. (Cont'd.)

C) COMMERCIAL customers

i. Manner of Collection:

Recyclables - Co-mingled and source separated containers

MSW - Hand service and containers

ii. Manner and Place of Disposal:

Recyclables - Material Recovery Facility (MRF) - Kenmore, NY

MSW - Occidental Waste-To-Energy Plant
Niagara Landfill

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - Co-mingled

MSW - Hand service

ii. Manner and Place of Disposal:

Recyclables - Material Recovery Facility (MRF) - Kenmore, NY

MSW - Occidental Waste-To-Energy Plant

3. The Applicant hereby agrees to:

(a) Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chap. 63 of the Town Code or not in conformance with this License (§63-502.B)

(b) To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (§63-502.C)

(c) To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with §63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information

(d) To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Boston Town Code.

4. That Applicant has not been adjudged or determined to have violated Chapter 63 of the Town Code within the preceding calendar year.

FEE: $100

LICENSE GRANTED BY RESOLUTION
OF THE TOWN BOARD DATED 2/17/93.

David J. Shenk

Town Clerk - DAVID J. SHENK

BFI-Niagara Sanitation Co., Inc.
(type-in Company Name)

By: [signature]

Title: Vice President Date: 1/27/93

R# 36

ACORD. CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)
4/27/93

PRODUCER
Sedgwick James of Ga., Inc.
Suite 500, South Tower
3333 Peachtree Rd. NE
Atlanta, Georgia 30326

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
NIAGARA SANITATION CO., INC.
SUB. OF BROWNING-FERRIS INDUSTRIES
P. O. BOX 571
KENMORE, N Y 14217

COMPANIES AFFORDING COVERAGE

COMPANY LETTER A: National Union Fire Insurance
COMPANY LETTER B: Insurance Co. of the State of PA
COMPANY LETTER C: Lloyd's of London
COMPANY LETTER D:
COMPANY LETTER E: Birmingham Fire Insurance Co.

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS		
A	GENERAL LIABILITY	RMGL 175-9099-TX	5/01/93	5/01/94	GENERAL AGGREGATE	$	
	X COMMERCIAL GENERAL LIABILITY	RMGL 175-9098-ALL OTHER STATES			PRODUCTS-COMP/OP AGG.	$	2500000
	CLAIMS MADE X OCCUR.				PERSONAL & ADV. INJURY	$	2500000
	OWNER'S & CONTRACTOR'S PROT.				EACH OCCURRENCE	$	2500000
					FIRE DAMAGE (Any one fire)	$	50000
					MED. EXPENSE (Any one person)	$	5000
A	AUTOMOBILE LIABILITY	RMCA 143-0805-TX	5/01/93	5/01/94	COMBINED SINGLE LIMIT	$	
	X ANY AUTO	RMCA 143-0804-ALL OTHER STATES					5000000
	X ALL OWNED AUTOS				BODILY INJURY (Per person)	$	
	X SCHEDULED AUTOS						
	X HIRED AUTOS				BODILY INJURY (Per accident)	$	
	X NON-OWNED AUTOS						
	GARAGE LIABILITY				PROPERTY DAMAGE	$	
A	EXCESS LIABILITY	CLM 308-59-24	5/01/92	5/01/94	EACH OCCURRENCE	$	7500000
	UMBRELLA FORM				AGGREGATE	$	7500000
	X OTHER THAN UMBRELLA FORM						
A	WORKER'S COMPENSATION	RMWC123-9350-AOS	5/01/93	5/01/94	X STATUTORY LIMITS		
E	AND	RMWC123-9352-AZ, ID, MD.			EACH ACCIDENT	$	2500000
B	EMPLOYERS' LIABILITY	RMWC123-9351-DED. -*			DISEASE—POLICY LIMIT	$	2500000
A		RMWC419-7041-CA			DISEASE—EACH EMPLOYEE	$	2500000

OTHER
*DEDUCTIBLE STATES INCLUDE
AL, CO, DC, DE, FL, GA, IL, MA, MI, MS, NH, PA, TN, TX, VT.

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS
SOLID WASTE REMOVAL AND DISPOSAL
SEE ATTACHED ENDORSEMENT

CERTIFICATE HOLDER

TOWN OF BOSTON
8500 BOSTON STATE ROAD
BOSTON, N Y

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Michael R. Crandall

©ACORD CORPORATION 1990

C

ADDITIONAL INSURED ENDORSEMENT

Attached to and forming a part of the certificate of insurance dated:

04/27/93

Issued to :
Town of Boston

The above named Certificate Holder is added as an Additional Insured to

General Liability #	[xxx]	RMGL 1759098	All Other
	[ ]	RMGL 1759099	TX
Automobile Liability #	[xxx]	RMCA 1430804	All Other
	[ ]	RMCA 1430805	TX

to the extent of the liability assumed by the Named Insured under the contract between the Certificate Holder and the Named Insured pursuant to which this Certificate is issued; however, the Certificate Holder shall not be included as an Additional Insured to the extent of their willful misconduct, negligence or omission.

MICHAEL G. CRANDALL
Authorized Representative
National Union Fire of Pittsburgh, PA

TOWN OF BOSTON

RESOLUTION 1993 - 9

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 17th day of February, 1993 at 7:30 P.M. Daylight Savings Time, there were:

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman
ABSENT:	David G. Zimmerman	Councilman

Councilman Flowers presented the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Boston does hereby authorize New York State Electric & Gas to install a new 250 watt HPS flood lamp in front of New York State Police Barracks at 8550 Boston State Road at an annual increase of two hundred-forty-nine dollars and forty-three cents ($249.43) to Lighting District #1.

Seconded by Supervisor Kennedy and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Absent
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 4 NOES: 0 ABSENT: 1

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
FEBRUARY 17, 1993 — 7:30 P.M.

RESOLUTION 1993 - 8 REFUSE & GARBAGE LICENSE
BFI-NIAGARA SANITATION CO., INC.

RESOLUTION 1993 - 9 INSTALL A 250 WATT HPS FLOOD LAMP AT
NEW YORK STATE POLICE BARRACKS

Letter received from Frank Lisowski, Deputy Code Enforcement Officer recommending that the Town Board amend the jurisdiction and authority of the Deputy Code Enforcement Officer and the Planning Board relative to permanent signs.

Supervisor Kennedy asked Town Attorney Perley to look into legislation that would be incorporated into the Sign Law where we could refer those commercial establishments that require Site Plan to also review the signs.

Letter received from Joan Zelasko Conservation Advisory Council, Re: Logging in the Allegheny State Park. Public Hearing - Buffalo Library Auditorium on Tuesday, March 16, 1993 at 2:00 - 4:00 p.m. and 7:00 - 10:00 p.m.

Supervisor Kennedy directed the Town Clerk to post this notice of Public Hearing on the Town Hall Bulletin Board, and requested that all those interested, consider attending the Public Hearing.

Letter received from Paul Sawicki requesting reappointment to the Conservation Advisory Council.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to appoint Paul Sawicki to the Conservation Advisory Council, term to expire March 1, 1996.

four (4) Ayes — Carried

Letter received from the Planning Board recommending N.Y. Guidelines for Urban and Sediment Control be incorporated into any building permit applications in the Town of Boston.

Town Attorney Perley will review this request and confer with the Town Engineer.

Letter received from Planning Board, Re: Request of Chester Panek to rezone property on Feddick Road from RA to R-2.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to schedule a Public Hearing to consider the rezoning of the Chester Panek property on Feddick Road as originally applied for and the additional property as described by the Planning Board in their letter dated February 17, 1993, for Wednesday, March 17, 1993 at 7:45 p.m.

four (4) Ayes — Carried

Letter from the Planning Board, Re: Request of Gregory Gerwitz, 7440 Boston State Road to erect a deck to the south side of his residence.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to table action until we receive the information that is needed to make an adequate decision.

four (4) Ayes — Carried

Letter received from Janet Kramer, President, Kramer's Liquor Store, Inc. advising the Town Board that they are applying for a package liquor store license, received and on file in the Town Clerk's Office.

REGULAR BOARD MEETING
FEBRUARY 17, 1993

TOWN HALL
7:30 P.M.

SUPERVISOR'S REPORT

A) Supervisor's Financial Report for 1992 received and on file in the Town Clerk's office.

Supervisor Kennedy received a letter from Dale M. Volker, N.Y. Senate in response to a letter that he wrote regarding the state of the construction industry in Western New York.

Supervisor Kennedy received a letter from Dale M. Volker, N.Y. Senate in response to a letter he wrote regarding Assemblyman Pordum's bill which would authorize the creation of a Local Government Investment Pool.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to authorize Supervisor Kennedy to enter into a contract with Fox & Company, Certified Accountants for 1992 audit for a net cost to the General Fund of $5,330.00 for a single audit.

four (4) Ayes Carried

TOWN CLERK'S REPORT

A) Town Clerk's Monthly Report for January 1993 received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant the David J. Shenk, Registrar of Vital Statistics a salary for the year 1993 of $1.00.

four (4) Ayes Carried

TOWN ATTORNEY'S REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant Town Attorney Perley permission to send draft investment policies and draft agreement among the town, its Depository and the Custodian of Securities for the funds that exceed the insured deposit limits at the bank to the Attorneys for Evans National Bank.

four (4) Ayes Carried

Town Attorney Perley will be meeting with the Erie County Water Authority on Friday, February 19, 1993 at the Orchard Park Town Hall at 9:30 a.m. The Town Attorney, Town Engineer and Deputy Supervisor Wittmeyer will be attending.

The Capitol Improvements Committee will meet on Monday evening, February 22, 1993 to discuss the status of the tank for Water District #1.

Town Attorney Perley, Town Engineer and Deputy Supervisor Wittmeyer will get together on Friday, February 19, 1993 to look for a site for the storage tank in Water District #1.

COUNCILMEN REPORT'S

Councilman Flowers met with the Chamber of Commerce reporting that the first meeting of the "Economic Development Board" went very well. They will report back to the Chamber Board of Directors and in turn the Board of Directors will pass on a recommendation to the Town Board.

REGULAR BOARD MEETIN
FEBRUARY 17, 1993

TOWN HALL
7:30 P.M.

Councilman Wohlhueter met with the Solid Waste Committee. Mr. Paul Balbierz, Representative from BFI was in attendance. Our 1993 BFI contract allows for two (2) bulk item pickups per month. This has not been enforced yet. However, beginning the second full week in April, April 12, 1993 and every second full week of the month after that, they will be picking up two (2) bulk items per month. A flier will be going out to the residents of the garbage district stating this schedule, in the middle of March. In that flier there will also be a list of additional items that BFI is accepting as recyclables. We will meet with the Highway Superintendent and a schedule of the brush pickup dates will be listed there. Also, the date for tire drop-off for the first or second Saturday in May.

Councilman Wittmeyer, finally the school bus stop sign has been moved from Cloverfield to Butternut on Back Creek Road.

Councilman Wittmeyer commented on the deplorable conditions of the Boston State Road in the hamlet of Boston.

Supervisor Kennedy directed the Town Clerk to write a letter to John Gugino, Erie County Highway Department, and Frederick Marshall, Erie County Legislature, indicating that the Traffic Safety Committee as well as all the members of the Town Board are extremely concerned with that portion of the Boston State road that Mr. Gugino had the opportunity to examine when he was here.

Councilman Wittmeyer received a letter from Danny Schooley, 6415 Willow Drive, requesting a speed limit reduction in his subdivision.

Councilman Wittmeyer responded to this letter noting that this is one of the subdivisions that we have already applied to the State for a speed reduction in.

A motion was made by Councilman Flowers and seconded by Councilman Wittmeyer to adjourn the meeting at 8:47 p.m.

David C. Shenk

DAVID J. SHENK, TOWN CLERK

250

REGULAR BOARD MEETING
MARCH 3, 1993

TOWN HALL
7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Milton I. Wittmeyer (Deputy Supervisor), Town Attorney Michael F. Perley, Highway Superintendent Eugene E. Ruchalski.

Absent: Supervisor Richard L. Kennedy

In Supervisor Kennedy absence Deputy Supervisor Wittmeyer will chair the meeting.

A motion was made by Council Wittmeyer and seconded by Councilman Flowers to accept the correction and adoption of the minutes of the February 17, 1993 Regular Monthly Meeting.

four (4) Ayes Carried

See correction pg 264

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #3 dated March 3, 1993 in the amount of $13,908.31 be paid.

four (4) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #3 dated March 3, 1993 in the amount of $31,620.96 be paid.

four (4) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to accept the Town Clerk's Monthly Report for February 1993.

four (4) Ayes Carried

Letter received from Dale M. Volker, N.Y. State Senate and a letter from Francis J. Pordum, N.Y. State Assembly acknowledging receipt of the Towns request for Community Development consideration to expand the Community Room in the Town Hall, received and on file in the Clerk's Office.

Deputy Supervisor Wittmeyer commented the Capital Improvements Committee is working with Pordum, Volker, and our Grants Consultant on this project.

Letters received Francis J. Pordum, N.Y. State Assembly acknowledging receipt of letters received concerning the Governor's proposal to open the "Locked Box" of the dedicated highway fund and the Governor's proposal to eliminate the Environmental Conservation's Bureau of Mineral Resources, Division of Oil and Gas on file in the Clerk's Office.

Received Notice from NYSDEC regarding Kiatone Pipeline Corporations proposal to install sixty-five (65) miles of sixteen (16) inch diameter crude oil transport pipeline in New York State, from its existing storage facility in West Seneca, Erie County to the New York/Pennsylvania border in the Town of South Valley, Cattaraugus County. Public hearings on this application will be held at Gowanda Volunteer Fire Company 7:00 P.M. March 9, 1993 and also at Seneca Hose Fire Company 7:00 P.M. March 10, 1993 for anyone who is interested in attending on file in the Clerk's Office.

Letter received from Joseph G. Monte, P.E., Senior Civil Engineer, Erie County Department of Public Works, Division of Highways acknowledging the Towns letter of January 13, 1993

REGULAR BOARD MEETING
MARCH 3, 1993

TOWN HALL
7:30 P.M.

regarding Hillcroft Drive Bridge 707 of Eighteen Mile Creek. The County will apply to N.Y.S.D.E.C. and Corp. of Engineers for a permit to install rip-rap received and on file in the Clerk's Office.

Deputy Supervisor Wittmeyer commented the town will work with the county jointly on this project.

Letter received from Charles A. Sickler, P.E. Supervisor of Design, Erie County Department of Public Works, Division of Highways acknowledging receipt of letter regarding Site Plan changes, Boston State Road, Boston Hills Estate, North Road Entrance on file in the Clerk's Office.

Deputy Supervisor Wittmeyer asked John Falkides if he would like to comment on this letter and he declined comment, stating that he intended to close the north road.

Deputy Supervisor Wittmeyer acknowledged that Tom O'Boyle a representative from County Legislature Marshall's Office was present and invited him to speak from the floor.

Tom O'Boyle acknowledge that County Legislature Marshall had received the Town's letters of February 18, 1993 regarding the condition of the Boston State Road and Mr. Marshall turned them over to the proper authorities.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to approve a "Temporary Certificate of Occupancy" for lot #17 in the Boston Hills Estates Mobile Home Community.

four (4) Ayes Carried

Letter received from Highway Superintendent Ruchalski regarding the turn over of Roads by Erie County. Superintendent Ruchalski asked that if the Town is approached by Erie County people regarding possible turn over to contact him before taking any action.

Town Attorney Perley suggested to Superintendent Ruchalski and other Highway Superintendents that before submitting specifications to the County that they present them to each of the Town Boards for their review and comment.

Letter received from Mel & Louise Schmidt, 7730 Wohlhueter Road commending the Boston Highway Superintendent and his crew for the outstanding job they do on the winter roads.

Letter of appreciation from Eileen Dziob 5622 Northside Drive, thanking and commending the drivers who plow the Creekside Subdivision in North Boston.

Letter received from Angelo Bellitiere, 8406 Zimmerman Road opposing the proposed water tank for Water District #1. It is his recommendation that a larger water tank or tower be considered to benefit both Water District #1 and water District #2. Letter on file in the Clerk's Office.

Town Attorney Perley commented that these are two different types of projects with two different types of problems and they cannot be affectively addressed with one tank. Unfortunately, the project that we are looking at Water District #2 and beyond it has a cost of about 1.3 million dollars, with the pump station, the tank and the fact that twelve (12") inch main in order to get a system on line that will actually provide the

service that is needed. Spreading the cost over as broad a base as possible is being considered, asking the Erie County Water Authority for contribution is being considered. Both of those aspects will be pursued.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to appoint Joan Zelasko to the Conservation Advisory Council, term from 3/1/93 to expire 3/1/96.

four (4) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to appoint Nancy Stetter to the Conservation Advisory Council, term from 3/1/93 to expire 3/1/95.

four (4) Ayes Carried

A motion was made by councilman Wittmeyer and seconded by Councilman Zimmerman to table Gregory Gerwitz' application for a building permit until the next Regular Monthly Meeting on March 17, 1993 and all the information requested has been supplied by Mr. Gerwitz.

four (4) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to table Sprague Mobile Home Park Application for License till the March 17, 1993, Regular Monthly Meeting and refer the letter and set of Mobile Home Park Rules received from William Sprague, Sprague Mobile Home Park to Town Attorney Perley for review before issuing a Mobile Home Park License.

four (4) Ayes Carried

Letter received from Planning Board requesting signage for Greenbriar Terrace or Rollin Drive referred to the Traffic Safety Committee meeting scheduled for Tuesday, March 9, 1993 for review.

Letter received from the Planning Board regarding request from Mr. & Mrs. Daniel Genzel requesting rezoning of property at 7272 Boston State Road from C-1 to C-2.

Deputy Supervisor Wittmeyer scheduled a joint meeting with the Town Board, Planning Board and Mr & Mrs. Daniel Genzel on April 5, 1993 at 6:15 P.M. and directed the Clerk to send a notice of this meeting to Mr. & Mrs. Genzel.

SUPERVISOR'S REPORT

A) Supervisor's Monthly Financial Report for February 1993 received and on file in the Clerk's Office.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to accept the Supervisor's Annual Report for 1922 as presented at the February 17, 1993 meeting.

four (4) Ayes Carried

Deputy Supervisor Wittmeyer sent a letter to Bill Feasely, Rural Transit Van Service requesting that the signing of the contract with the Rural Transit Van Service be delayed until Supervisor Kennedy returns from vacation.

REGULAR BOARD MEETING
MARCH 3, 1993

TOWN HALL
7:30 P.M.

Deputy Supervisor Wittmeyer mentioned that the Town Clerk and the Traffic Safety Committee have sent in letters to the County requesting repair of the Boston State Road in the Hamlet of Boston.

TOWN CLERK' REPORT

A) Registrar of Vital Statistics Report for February 1993 on file in the Clerk's Office.

Town Clerk Shenk reminded everyone that the taxes are due March 15th and that on the last few days his office will be open as follows: Friday, March 12th till 8 P.M., Saturday, March 13th from 9:00 A.M. till 3 P.M., Sunday, March 14th from 12:00 P.M. till 5 P.m. and on Monday, March 15th 9:00 A.M. till 9:00 P.M.

SUPERINTENDENT OF HIGHWAYS

Superintendent of Highways Ruchalski thanked the Town Board for authorizing him to attend the Annual Seminar and Meeting of the Association of Towns in New York City.

Superintendent Ruchalski reported that as of the first of the year there is talk about discontinuing the CHIPS Program. He met with the state and they are going to continue the CHIPS Program for 1993 and there will be a raise. Last year we received thirty-three thousand, four hundred and forty-four dollars ($33,444.00). This year we will receive thirty-four thousand, seven hundred and ninety-three dollars ($34,793.00).

Superintendent Ruchalski reported that the new Loader, John Deere 544G is in with some new modifications. The price was fifty-eight thousand, four hundred and twenty-three dollars ($58,423.00) and they are allowing us fifty-six thousand dollars ($56,000.00) for John Deere 544E. Bringing our cost to two thousand, four hundred and twenty-three dollars ($2,423.00) with a five year warranty.

The new Brush Pick-Up schedule will be going out for 1993. The first pick-up will be the first and third monday of April.

Bid Specifications on a new truck were opened on February 1, 1993 which resulted as follows:

Truck and Cab and Chassis

COMPANY	BID W/TRADE IN	BID W/OUT TRADE IN
Hanson International	$47,425.00	$49,425.00
Bison Truck Center, Inc.	50,331.82	54,131.82
(Alternate Bid)	45,833.88	49,833.88
Buffalo Whitegmc, Inc.	55,575.00	57,575.00
Buffalo Mack, Inc.	54,384.92	58,884.92

FRONT HITCH

COMPANY	BID	TOTAL
Roberts Equipment	$24,242.00	
W/Screens	730.00	
		$24,972.00
Valley Truck & Equipment	32,086.58	
W/Screens	945.00	
		33,031.58

Deputy Supervisor Wittmeyer commented that when the bids were opened that the alternate bid from Bison Truck Center, Inc. was a truck that they had on the lot in stock and it did not meet the specifications.

Councilman Flowers questioned how there could be a difference of eight thousand ($8,000.00) dollars between Roberts Equipment's bid and Valley Truck & Equipment's bid?

Town Attorney Perley asked if Roberts Equipment met the specifications?

Highway Superintendent Ruchalski responded that in most cases Roberts Equipment exceeded the specifications. And also, that he had told Mark with Roberts Equipment that he would be periodically checking the truck as they are working on it. Any time that the specifications are not met he will not accept the truck.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter at the recommendation of Highway Superintendent Ruchalski to award the bid for Truck and Cab and Chassis to Hanson International at $49,425.00 with-out trade in.

four (4) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Deputy Supervisor Wittmeyer at the recommendation of Highway Superintendent Ruchalski to award the bid for the Front Hitch to Roberts Equipment at $24,972.00 including screens.

four (4) Ayes Carried

TOWN ATTORNEY'S REPORT

RESOLUTION 1993 - 10 AUTHORIZING THE DEPUTY SUPERVISOR OR THE SUPERVISOR AND THE HIGHWAY SUPERINTENDENT TO SIGN THE FINAL PLAT FOR THE SZALAY SUBDIVISION

Town Attorney Perley following the bids for the Ambulance Garage Addition he was contracted by a Representative of Allstate who was the low bidder that was rejected. Town Attorney Perley advised him that the action of the Town Board was the awarding of the Bid and he professed to be more concerned with the fact that his client had been unreasonably slandered by the reports that had been communicated to the Board. Upon his request the Town Attorney advised him that he would ask the Board to fully review his qualifications in the event that he ever wanted to bid again. The Town Attorney will report to the Board when he hears from him.

COUNCILMEN REPORT

Councilman Flowers received a letter from the Erie County Democratic Committee concerning their new Internship Program. These Internships shall intended for college credit a monetary stipend will not be expected.

Councilman Flowers presented this offer to the Board Members and asked if they would have an interest in the town utilizing this program.

Deputy Supervisor Wittmeyer suggested that this should be held for Supervisor Kennedy to review.

Councilman Wohlhueter met with Dale Morris from the Erie County Department of Environment and Planning regarding the recycling program and solid waste disposal in the town. He was very

TOWN OF BOSTON

RESOLUTION 1993 - 10

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held on the 3rd day of March, 1993 at 7:30 P.M. Eastern Standard Time there were

PRESENT:	Milton I. Wittmeyer	Deputy Supervisor
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman
ABSENT:	Richard L. Kennedy	Supervisor

Councilman Flowers presented the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Boston does hereby authorize Supervisor Richard L. Kennedy and/or Deputy Supervisor Milton I. Wittmeyer and Highway Superintendent Eugene Ruchalski to sign the Final Plat for the Szalay Subdivision,

BE IT FURTHER RESOLVED. the Town Clerk shall affix the Seal of the Town of Boston to the Plat if requested,

Seconded by Councilman Wohlhueter and duly put to a vote which resulted as follows:

Deputy Supervisor Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES; 4 NOES: 0 ABSENT: 1

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
MARCH 3, 1993

TOWN HALL
7:30 P.M.

satisfied with the towns program and the local ordinance that has been put in affect for the mandated recycling and also, with our contract with BFI.

Councilman Zimmerman has been in contact with some people that handle the Service Awards for the Firemen. There is some discussion going on in Albany about setting up the same type of program for Emergency Squads. He requested that the Supervisor's Office formulate a letter and send it to Senator Dale M. Volker and Assemblyman Francis Pordum, that this Town Board is in support of a Service Award for Independent Emergency Squads. Also, send this letter to the Town of Eden, Emergency Squad and the Town and Village of North Collins, Emergency and ask that thy follow up and send letters to their representatives also, and a copy to the Boston Emergency Squad.

Councilman Wittmeyer received a copy of the Patchin Volunteer Fire Company's budget for 1993 and a list of the officers for that period.

CODE ENFORCEMENT OFFICER'S REPORT

A) Code Enforcement Officer's Monthly Report for February 1993 received and on file in the Clerk's Office.

DEPUTY CODE ENFORCEMENT OFFICER'S REPORT

A) Deputy Code Enforcement Officer's Monthly Report for February 1993 received and on file in the Clerk's Office.

DOG CONTROL OFFICER'S REPORT

A) Dog Control Officer's Monthly Report for February 1993 received and on file in the Clerk's Office.

TOWN ENGINEER'S REPORT

A) Town Engineer's Monthly Report for February 1993 received and on file in the Clerk's Office.

A motion was made by Deputy Supervisor Wittmeyer and seconded by Councilman Zimmerman to adjourn the meeting at 8:38 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
MARCH 17, 1993

TOWN HALL
7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Milton I. Wittmeyer, Councilman David G. Zimmerman, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley, Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the correction and adoption of the minutes of the March 3, 1993 Regular Monthly Meeting.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #3A dated March 17, 1993 in the amount of $63,900.60 be paid

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the Highway Bills on Abstract #3A dated March 17, 1993 in the amount of $9,170.79 be paid.

five (5) Ayes Carried

Letter was received from Alfonse D'Amato, United States Senator acknowledging letter he received from the Town Board concerning the U.S. Army Corp of Engineers Reorganization Plan to move jobs out of New York State. D'Amato said he would work to prevent this plan from happening.

Letter received from Sally Cooney, Equalization Rates Bureau announcing that the new Town of Boston Final Equalization Rate will be 83.38. This rate will be used for the school tax collection this fall and the 94 Town & County tax collection next spring.

Supervisor Kennedy proudly announced that through the efforts of the Town Assessor, William Kleis he was able to get the Town's Assessment Roll changed by 3.2% margin. This will result in a substantial benefit to our community.

Supervisor Kennedy commented that Town Assessor, William Kleis has indicated that the increase we received last year from the Franchise Assessment of the gas, electric, Niagara Mohawk and the New York Telephone in the amount of $800,000.00 which was base on the old equalization rate will be lost this year. The State of New York has elected to diminish that increase which we received in Franchise Assessments last year. However this should change when the final equalization is used.

Resolutions received from the Town of Grand Island and Cheektowaga regarding Highway Bridge and Trust Fund.

Resolution received from the Town of Tonawanda regarding Drunken Driving Fees.

RESOLUTION 1993-11 DRUNKEN DRIVING FEES

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to appoint Joseph Santonocito to the Zoning Board of Appeals, term to expire April 1, 1998.

five (5) Ayes Carried

Letter from the Boston Chamber of Commerce, Inc. advising the Town Board of the recently established Economic Development Planning Committee, accompanied by a summary of their activities to date, received and on file in the Town Clerks Office.

TOWN OF BOSTON

RESOLUTION 1993 - 11

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 17th day of March 1993 at 7:30 P.M. Eastern Standard Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton L. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Councilman Wittmeyer presented the following resolution and moved its adoption:

WHEREAS, drunken drivers not only present a serious threat to the health and safety of a community and its citizens, but also require substantial expenditure of municipal funds to combat this crime; and

WHEREAS, the Town of Boston, like most towns, villages and cities in New York State must now budget for the arrest, processing and trial of people arrested for driving while intoxicated and driving while impaired; and

WHEREAS, the cost of the arrest, processing and trial of an offender in the Town of Boston is well over $ 200.00; and

WHEREAS, currently, municipalities are reimbursed by New York State under the "Stop DWI" program for only 50% of these costs; and

WHEREAS, in the Town of Boston the financial cost to the municipal budget of dealing with drunken drivers was over $12,000.00 in 1992; and

WHEREAS, responsible drivers should not be called upon to subsidize the action of the irresponsible;

NOW, THEREFORE, BE IT RESOLVED, that in order to deter the crime of drunken driving, the Town of Boston Board supports legislation in the New York State Legislature which would allow local governments to charge people convicted of drunk driving or driving while impaired for the actual cost of their arrest, processing and trial; and be it further

RESOLVED, that a copy of this resolution be sent to State Senator Dale M. Volker, State Assemblyman Francis J. Pordum, Dennis Mill president of Association of Erie County Governments, and the Association of Towns of the State of New York

Seconded by Councilman Wohlhueter and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

DAVID J. SHERK, TOWN CLERK

REGULAR BOARD MEETING
MARCH 17, 1993

TOWN HALL
7:30 P.M.

At 7:45 P.M. a Public Hearing was held, First: To rezone the Panek property on South Feddick Road from Residential-Agricultural (R/A) to Residential (R-1). Second: To consider the motion made by the Town Board of the Town of Boston on the 17th day of February 1993 to rezone any or all of the following described property situated on the east side of South Feddick Road in the Town of Boston from Residential Agricultural (R/A) to Residential (R-1).

Town Clerk Shenk read the Public Notice and the following correspondence relating to the Public Hearing on the proposed rezoning:

Recommendation from the Planning Board.

Letter of intent received from Chester Panek.

Town Clerk Shenk also, stated that notices had been sent to thirty-two (32) neighboring property owners.

Supervisor Kennedy Convened the Public Hearing.

Councilman Flowers: There is a strip fifty (50') feet wide between Panek's and Philip's, is this an easement?

Chester Panek: That is an easement with Tennessee Gas.

Hearing no further comments on the rezoning application of the Panek Property a motion was made Supervisor Kennedy to closed the Public Hearing, at 7:58 P.M. seconded by Councilman Wohlhueter

five (5) Ayes Carried

PUBLIC NOTICE

AMENDMENT TO ZONING MAP OF THE TOWN OF BOSTON

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Boston will hold a Public Hearing on the 17th day of March 1993 at 7:45 P.M. Eastern Standard Time at the Boston Town Hall, 8500 Boston State Rd., Boston, NY for the following purposes:

FIRST: To consider the application of Chester J. Panek and Dorothy J. Panek to rezone property on South Feddick Road from Residential Agricultural RA to Residential R-1 under the Zoning Law of the Town of Boston (Local Law No. 6, 1990, as amended) said property being described as follows:

PARCEL I

ALL THAT tract or parcel of land, situate in the Town of Boston, County of Erie and State of New York, being part of Lot Thirty-Seven (37), Township Eight (8) and Range Seven (7) of the Holland Land Company's Survey being more particularly bounded and described as follows:

Beginning at a point in the center line of South Feddick Road (said center line also being the west line of Lot 37) at a distance of Seven Hundred Seventeen and Ninety-Nine Hundredths (717.99) feet south of the northwest corner of said Lot 37 (said point also being the southwest corner of lands conveyed to Francis J. Philipps and Norma C. Philipps as recorded in Liber 7874 of Deeds at page 435);

Thence easterly and at right angles to the said center line of South Feddick Road and along the southerly line of lands conveyed to Philipps by the aforementioned deed, a distance of Two Hundred Twenty-Five (225.00) feet to the southeast corner of said lands of Philipps as aforesaid;

Thence southerly, and parallel to the center line of South Feddick Road, a distance of One Hundred Twenty (120.00) feet to a point;

Thence westerly and parallel with the described course, a distance of Two Hundred Twenty-Five (225.00) feet to a point on the said center line of South Feddick Road;

Thence northerly and along said center line of South Feddick Road, a distance of One Hundred Twenty (120.00) feet to the point and place of beginning.

Parcel II

ALL THAT tract or parcel of land, situate in the Town of Boston, County of Erie, State of New York, being part of Lot 37, Township 8, Range 7 of the Holland Land Company's Survey bounded and described as follows:

Beginning at a point 225.00 feet east from the center line of South Feddick Road, said point also being the southeast corner of lands deeded to Francis J. Philipps and Norma C. Philipps as recorded in Liber 7874 of Deeds at Page 435 (said point also being the Northeast corner of Parcel I above);

Thence easterly, along the extension of the southerly line of Philipps, a distance of One Hundred Eighty-Three (183.00) feet;

Thency southerly and parallel with the center line of South Feddick Road, a distance of One Hundred Twenty (120.00) feet;

Thence westerly and parallel,

PUBLIC NOTICE

with the south line of Philipps, as extended, a distance of One Hundred Eighty-Three (183.00) feet;

Thence northerly and parallel, with the center line of South Feddick Road, a distance of One Hundred Twenty (120.00) feet to the point and place of beginning.

SECOND: To consider the motion adopted by the Town Board of the Town of Boston on the 17th day of February 1993 to rezone any or all of the following described property situated on the east side of South Feddick Road in the Town of Boston from Residential Agricultural RA to Residential R-1.

ALL THAT tract or parcel of land, situate in the Town of Boston, County of Erie and State of New York and being part of Lot Thirty-Seven (37), Township Eight (8), Range Seven (7) of the Holland Land Company's Survey, being more particularly bounded and described as follows:

BEGINNING at a point in the center line of South Feddick Road (said center line also being the west line of Lot 37) at a distance (319.93 feet) south of the northwest corner of said Lot 37; running thence easterly, at right angles to the said west line of Lot 37 a distance of 412.00 feet; running thence south parallel to the said west line of Lot 37 a distance of 1708.76 feet; running thence west a distance of 412.00 feet to the west line of Lot 37 a distance of 1708.76 feet to the point of beginning.

At this Hearing, at the time and place above-noted, all interested parties will be heard for or against said Petition.

Dated: March 4, 1993
Published: March 5, 1993

By Order of the Town Board
Town of Boston
David J. Shenk
Town Clerk

See continued Page 241

A motion was made Councilman Zimmerman and seconded by Councilman Wittmeyer to approve the rezoning application of Chester J. and Dorothy J. Panek as requested which encompasses two parcels of property on Feddick from Residential-Agricultural (R/A) to Residential (R-1).

five (5) Ayes Carried

REGULAR BOARD MEETING
MARCH 17, 1993

TOWN HALL
7:30 P.M.

At 8:00 P.M. Public Hearing reconvened from the March 3, 1993 Public Hearing on the rezoning of the Carol Seamon property on Pfarner Road from Residential Agricultural (R/A) to General Industrial (M-2).

Supervisor Kennedy reconvened the Public Hearing.

Supervisor Kennedy commented many of the towns people for their interest in this project and their attendance at this meeting. There have been a number of things that have transpired since the last Public Hearing occurred.

The Cold Spring Construction has at the request of this Town Board has expended a considerable amount of money because of the concerns that the Town Board had expressed and some of the concerns that you people expressed at the last Public Hearing that was convened here in regard to water the shortage of water and the impact on water that the removal of the three hundred cubic yards of soil would have on the properties on Tillen, West Hill and on Pfarner Roads. They employed G.Z.A. GeoEnvironmental which is a very reputable company here in western New York to do this study. When the study was forth coming, the results of that study certainly were not what Cold Spring would have liked to seen the study results be. They do understand the opposition that the Town Board Members had. In due respect to Cold Springs Construction they have done an excellent job in providing for this Board any information or additional documentation that they thought was necessary for this Board to make a just and reasonable decision for the people in the Town of Boston.

PUBLIC NOTICE

Town of Boston

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing on the 3rd day of February, 1993 at 8 P.M. Eastern Standard Time at the Boston Town Hall, 8500 Boston State Road, Boston, New York, to Rezone the following described property which is currently zoned Residential-Agriculture (R-A) to General Industrial (M-2) under the Zoning Law of the Town of Boston (Local Law #6-1990 as amended), said property being described as follows:

All that Tract or Parcel of Land, situate in the Town of Boston, County of Erie and State of New York, being part of Lots Nos., 9, 10, 16, 17, Township 8, Range 7 of the Holland Land Company's Survey described as follows:

BEGINNING at a point in the center line of Pfarner Road, which is 210.38 feet southwesterly measured along the center line of Pfarner Road from its intersection with the northerly line of said Lot No. 16; thence northeasterly along the center line of Pfarner Road, 1268.14 feet to the north line of lands conveyed to Robert Boasberg and Henry G. Miller by deed recorded in Liber 5520 of Deeds at page 23; thence easterly and along the north line of lands conveyed to Robert Boasberg and Henry G. Miller as aforesaid, 1968.96 feet to the northeast corner of lands conveyed to Robert Boasberg and Henry G. Miller by deed aforesaid; thence southeasterly and along the easterly line of

PUBLIC NOTICE

lands conveyed to Robert Boasberg and Henry G. Miller by deed aforesaid, 1167 feet; thence westerly parallel with the northerly line of lands conveyed to Robert Boasberg and Henry G. Miller by deed aforesaid, 2613.56 feet more or less to the point of beginning.

AT THIS HEARING, at the time above noted, all interested parties will be heard for or against said petition.

Dated: January 21, 1993
Published: January 22, 1993

By Order of the Town Board
David J. Shenk
Town Clerk

Cold Spring Construction delivered a copy of the study done by G.Z.A. to Supervisor Kennedy.

Supervisor Kennedy read briefly some of the results from the study. On Page 11 of this study on the discussions and conclusions it reads as follows: Assuming there is sufficient time for steady state groundwater flow conditions to develop, groundwater levels would potentially be affected most during the construction of the pond when groundwater levels are depressed to elevation 1,362 during the pond excavation and the construction of the pond's soil liner.

The model results show the ground water levels would potentially drop fourteen (14') feet at Szopinski's and Boasberg's well locations, nine (9') feet at Buyer's well location and three (3') feet at Tillen Road, five hundred (500') feet east of the intersection of West Hill Road. It is noted that the Tillen Road location is farther from the pond than the other three locations, therefore, the affect would be less pronounced. Also, it is possible the steady state conditions would not develop for the construction phase depending on the duration of construction and the way the excavation and the soil liner is phased.

Page 12, says proper design and construction of a soil liner in the pond with a hydraulic conductivity that will reduce the effect the pond has on groundwater levels gradient of the pond. The model indicates that the groundwater levels at Szopinski's well location, Boasberg's well location and referenced Tillen Road location would be lower by five (5') feet, four (4') feet and one (1') foot respectively when compared to the preconstruction condition.

Supervisor Kennedy had the Town Engineer do a cost analysis of what it would be to provide town water to that particular area and the possibility of town water being provided to that particular area at any time. The cost at the closest point which would be Rice Road would cost somewhere in the area of $620,000.00. For the number of homes up there and the small area that would be served at this particular juncture and with the developments that are up there it would not be economically feasible to expect that would be constructed within a considerable number of years because there is no way that this could be financed by the small number of homes up there. Unless, we were able to secure a substantial grant under some program that might be initiated by the Federal Government to improve the infrastructure.

Cold Spring Construction with that knowledge at this particular time has withdrawn their intention of excavation of any materials from the site of the Seamon Property.

Supervisor Kennedy contacted the Seamon's to see if in fact that they would submit a letter requesting withdrawal of their application since, their application approval was contingent upon any agreements they might have with Cold Springs Construction for the extraction of the materials. Mr. Seamon said that he had no problem providing that, although at this particular time their attorney is not in the area and they wish he were present before they draw up such a document.

Supervisor Kennedy: I appreciate the fact that many of you have taken the time out of busy schedules to appear here tonight with the thoughts that this Town Board was going to consider this whether favorable or unfavorably. I appreciate your concern with the environment and what determination this Board would make as would impact your properties.

Kenneth Gliwa, 6415 Pfarner Road: Presented a scale model of the site using a few models, making a Blazer to size, a Sierra to size and a shorter car. This is quite massive when you put these models next to this crater or pit which ever you want to describe it as, it is massive. We have an output in our well of over 22 gallons a minute and we are only down 35 feet. I fear that we will lose that well. When you blast it sends resonant frequencies throughout the rock structure and that stuff can drop. All you need is one little rock to drop and shut that vein off. Then you have nothing.

Supervisor Kennedy thanked Mr. Gliwa for the work he put into his study of this situation.

Michael Reilly, 7697 Kevin Dr.: Once the letter of withdrawal comes in from Carol Seamon is there any chance that this could be resurrected in some form at a later date?

Town Attorney Perley: We can't prevent anybody from filing a zoning request.

Supervisor Kennedy: We can't say absolutely not. However, under the circumstances with the reports that we have had there is no way that this could be resurrected.

I feel that the study we have received is going to be a very valuable study to the people that already have existing wells on that particular hill. With this study we know more now about that particular area than we have ever known before and this will be a benefit to the town.

Supervisor Kennedy hearing no further comments from the floor asked that the Public Hearing be closed.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the Public Hearing at 8:19 P.M.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman not to take any action on the Seamon Rezoning Application and that we await the official documentation from the Seamon's withdrawing. If a withdrawal request is not received by that time we will act on the application at the next regular meeting on April 7, 1993.

five (5) Ayes Carried

Received from Barbara Ballachino, Chairperson of the Triquasquicentennial Celebration a report on the Celebration activities along with a copy of the Treasurer's Financial Report dated 3-27-91 through 1-20-93, on file in the Town Clerk's Office.

Supervisor Kennedy asked Councilman Flowers to act as the liaison between the Tri-Q Committee and the Town Board to determine the future of the Tri-Q Committee.

Letter received from the Patchin Volunteer Fire Company requesting permission to use the Lion's Shelter on July 25, 1993, for 20 Week Club Party.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to grant permission to the Patchin Volunteer Fire Company to use the Lion's Club Shelter on July 25, 1993 for their 20 Week Club Party contingent upon Insurance Coverage. Permission to serve beer also.

five (5) Ayes Carried

Letter received from Tony Staub request permission to use the Lion's Shelter for Softball Picnic on Saturday, July 17, 1993.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to grant permission to the Town of Boston Softball League to use the Lion's Shelter on July 17, 1993 for a picnic from 9:00 A.M.until 3:00 P.M.

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
MARCH 17, 1993 — 7:30 P.M.

Soil Permit requests received from R.J.Smolinski to removed soil from the following properties:

Martin & Mildred Logel	7784 Boston State Road
Joseph Simmeth	8010 Boston State Road

Supervisor Kennedy asked that these permit applications be deferred until the next Regular Meeting on April 7, 1993 to give the Deputy Supervisor and Code Enforcement Officer and opportunity to review these sites.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to table the Gregory Gerwitz building application tabled from the March 3, 1993 meeting, till the April 7, 1993 meeting pending receipt of documentation previously requested.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to issue a Mobile Home Park License to the Sprague Mobile Home Park which will expire June 30, 1993. Mr. Sprague must be informed that upon the issuance of this license the fire lanes must be kept opened effectively or a penalty will be applied.

five (5) Ayes — Carried

SUPERVISOR'S REPORT

A) Supervisor's Monthly Financial Report for February 1993 received and on file in the Town Clerk's Office.

Supervisor Kennedy read a letter directed to the Town Board Members as follows:

Perhaps some of you already know that I have retired from Ford Motor Company. Under the provisions of the Ford contract workers who are retired or limited to maximum earnings of $15,000.00 per year during retirement without incurring a penalty.

Since the yearly salary of the Town Supervisor is $20.500.00 under the approved 1993 Budget the Ford Retirement Board has indicated that I cannot accept the total salary allocated for this position.

I, therefore, propose that I resign my elected position as the Town of Boston Supervisor effective Monday, April 5, 1993 at midnight and I would request that the Board reappoint me for the balance of my term which would expire on December 31, 1993 at the regular scheduled Town Board Meeting to be held on April 7, 1993 at 7:30 P.M.

At the end of the normal pay period which concludes on April 6, 1993, the Supervisor will have received $5,519.22 out of the Budget approved salary of $20,500.00. I propose that a new reduced salary be established at $9,480.78 for the balance of 1993 instead of the $14,980.78 which will remain in the approved Supervisor Salary in the Town Budget. The remaining $5,500.00 would then be available to transfer to another Town account. It is my suggestion that this balance of $5,500.00 be reappropriated to be used by the Boston Free Library to reduce the cost of resurfacing the driveway and the parking area to make it handicapped assessable. This action on the part of the Town Board will allow me also the opportunity to retire under the New York State Pension System. I have twenty plus years in the pension system in the State of New York.

REGULAR BOARD MEETING
MARCH 17, 1993

TOWN HALL
7:30 P.M.

The Town of Boston will then realize additional savings as they will no longer be required to contribute monies in my behalf to the New York State System. State regulations limit the salary one can legally earn drawing the State Pension. New York State Legislature has enacted laws and established a maximum of $10,200.00 that you can draw during the fiscal year in my position as Supervisor. This provision was originally adopted to prohibit the so called "double dipping". Personnel who are collecting a State Pension cannot draw a salary that when combined with their allotment exceeds a salary which they normally receive in the position to which they have been elected.

I am going to announce that I am resigning effective Monday, April 5, 1993 and request your consideration for appointment when you reconvene at the next Town Board Meeting on April 7, 1993.

Supervisor Kennedy reported on the Hillcroft Bridge a meeting has been established so that the Town of Boston can sit down with the D.E.C., the Army Corp of Engineers and with the County of Erie to determine the status of the Hillcroft Bridge.

TOWN CLERK' REPORT

Received a letter from Jim Davies, stating that he was pleased to see that the Town Taxes did not go up and that all parties can work together for the benefit of the people.

HIGHWAY SUPERINTENDENT'S REPORT

Highway Superintendent Ruchalski has been monitoring the Hillcroft Bridge quite closely and before they lose the bridge, I feel we will lose our road. I will have to take whatever action necessary to save this road. We won't be able to wait for the D.E.C. approval, which I don't need under emergency situations.

Supervisor Kennedy invited Highway Superintendent Ruchalski to attend the meeting with him on the Hillcroft Bridge.

TOWN ATTORNEY

With reference to the Resolution regarding the Qualified Abandonment of Dunn Road. I have recently talked with Mel Case and he has suggested that I make contact with the Board to determine an appropriate hearing date for Mr. Gugino. I would suggest that the Board give me ample time to get the notices and ask if they would consider April 21st or May 5, 1993 at 6:30 P.M. for Mr. Gugino's hearing.

The Board Member's agreed on May 5, 1993 at 6:30 P.M. for Mr. Gugino's hearing.

COUNCILMEN

Councilman Flowers extended congratulations to Councilman Milton Wittmeyer on being elected the Boston Chamber of Commerce "Citizen of the Year 1993".

Councilman Flowers reported on the light that was installed at the State Police Barrack's. The State Police are very appreciative of having additional light on the barracks.

Councilman Wohlhueter reported that the flier that he has been working on with BFI to mail out to the residents is at the printers. Starting the second full week in April and every second week of the month thereafter two (2) bulky items may be put out. There will be a tire drop-off Saturday, May 1, 1993.

TOWN OF BOSTON

RESOLUTION 1993 - 12

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 17th day of March 1993 at 7:30 P.M. Easter Standard Time there were:

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Councilman Wittmeyer present the following resolution and moved its adoption:

BE IT RESOLVED; the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law to establish a 15 mph speed limit while school is in session, in front of the Boston Valley Elementary School on Back Creek Road.

BE IT FURTHER RESOLVED; a sign be installed acknowledging "School Grounds 15 mph. When School is in Session."

Seconded by Supervisor Kennedy and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
MARCH 17, 1993 — 7:30 P.M.

See page 264 for continuation

Councilman Wittmeyer reported on the Traffic Safety Committee Meeting that was held on March 9, 1993. Traffic Safety Committee is recommending that we do petition the County or State to ask for another study on Back Creek Road near the school to see if they will put additional signage or a light.

Councilman Wittmeyer made a motion seconded by Supervisor Kennedy to send a request to the State or County for a study on Back Creek Road near the school for additional signage or light and speed reduction to 15 mph.

five (5) Ayes — Carried

Councilman Wittmeyer asked on behalf of the Traffic Safety Committee that the Town install "Playground" sign on Meadow Drive at both sides of the entry to the North Boston Stadium.

Traffic Safety also asked that the Town follow-up on the request that the E.Z. Shoppe move the mail boxes to obtain clear sight on the State Road.

Councilman Wittmeyer reported that Sgt. Broderick and Trooper Carpenter responded to the complaints received regarding the cars blocking visibility at So. Abbott and Herman Hill Road requesting that the cars be removed from the lot or kept back from the corner. This will be closely monitored.

Councilman Wittmeyer reported that a section of the new Town Law Manual received last month, contained a section that towns may post their own road signs, such as stop signs, yield signs, etc. this was referred to Town Attorney Perley for review and have asked him for an opinion.

Erie County Sheriff's Report for February 1993 received and on file in the Town Clerk's Office.

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman to adjourn the meeting at 8:55 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
APRIL 7, 1993

TOWN HALL
7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Milton I Wittmeyer, Councilman David G. Zimmerman, Town Attorney Michael F. Perley, Highway Superintendent Eugene E. Ruchalski.

Councilman Don A. Wohlhueter was absent.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint Richard L. Kennedy to the position of Town Supervisor for the balance of his elected term which expires December 31, 1993.

Councilman Flowers, provided the salary that was discussed at the Agenda Review will remain the same. I will vote yes.

three (3) Ayes — Carried

Richard L. Kennedy was sworn into the office of Supervisor by Town Clerk David J. Shenk.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the adoption of the minutes of the March 17, 1993 Regular Monthly Meeting with the following correction: under Councilman Wittmeyer's Traffic Safety Committee Report change the "Motion" with reference to School Sign, Speed Reduction in School Zone on Back Creek Road to a "Resolution."

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #4 dated April 7, 1993 in the amount of $29,897.66 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers that the Highway Bills on Abstract #4 dated April 7, 1993 in the amount of $84,729.61 be paid

four (4) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to correct General Fund and Special District Abstract #3 dated March 3, 1993 as follows:

Voucher #150 — Richard-Cin-Signs & Supplies, Inc.

From:	A5010.4	Highway Superintendent
To:	A3310.4	Traffic Control

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept the Town Clerk's Monthly Report for March 1993.

four (4) Ayes — Carried

Letter received from F. Robert Danni, RADM, NYNM, General Co-Chairman - United States Armed Forces Week 1993 in Western New York, May 3rd to May 9th received and on file in the Clerk's office.

Supervisor Kennedy advised the Town Clerk to notify the Boston AMVETS Post 219 and VFW Post 2556 of the communication received from Mr. Danni.

REGULAR BOARD MEETING
APRIL 7, 1993

TOWN HALL
7:30 P.M.

Letter received from Francis J. Pordum, State Assembly regarding NYSDOT Funding situation received and filed in the Clerk's office.

Letters received from Francis J. Pordum, State Assembly and regarding Service Award Programs for Independent Emergency Squad Members received and on file in the Clerk's office.

Councilman Wittmeyer received and read a letter from Senator Dale Volker regarding Service Award Programs for Independent Emergency Squad Members.

Councilman Wittmeyer requested that copies of both letters be sent to the Emergency Squad by the Town Clerk.

Letter received from Erie County Legislature Frederick J. Marshall re: Food distribution to be held on Thursday, April 22, 1993 beginning at 9:00 A.M.

Resolution received from the Town of Evans Re: DWI processing and trial, received and filed in the Clerk's office.

N.Y. Telephone Protest of Special Franchise Assessment for 1993 Tax Roll received and on file in the Clerk's office.

Received a certified letter from Integrated Waste Systems, Inc. with a questionnaire asking the Town Board to consider a well designed, professionally operated, state-of-the-art landfill.

The Town Board after hearing the questions and answers as outlined by Town Attorney Perley, directed Town Clerk Shenk to respond to Integrated Waste System's questionnaire by answering "no" to all the questions asked. Stating that our Zoning Law does not permit the construction of landfills and we do not wish to change this.

REQUESTS FROM THE FLOOR

Kevin Hess, Boston State Rd.: Regarding drainage problem on my property on Redwing Drive. I met with Supervisor Kennedy, Councilman Wittmeyer and Highway Superintendent Ruchalski.

Supervisor Kennedy stated that the Town Engineer will be doing some research to clarify what the possibilities are and if the people will be receptive to something being done. Whether we can acquire easements on the property that is affected so that we can take that drainage water down as far as the State Road. Something will be done.

At the request of Recreation Director Gerald O'Brien the Friday Night Youth Program this year has initiated a dance program under the direction of Jennifer Schunk. Ms. Schunk and eleven girls from the program put on a ten minute demonstration of line dancing.

Sealed Bids for transportation via yellow bus for the Town of Boston Summer Recreation and Alpine Ski Programs were opened on March 10, 1993:

	Summer per bus/per day	Ski per bus/per day
Laidlaw	$115.00	$115.00
Niagara Scenic	119.50	140.00
National	162.00	150.00

REGULAR BOARD MEETING
APRIL 7, 1993

TOWN HALL
7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy at the recommendation of the Recreation Director Gerald O'Brien to awarded the bid for transportation for the Summer Recreation Program and Ski Program for 1993 to Laidlaw Transit, Inc. as follows:

Summer-per bus/per day	Ski-per bus/per day
$115.00	$115.00

four (4) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to grant permission to Recreation Director Gerald O'Brien to conduct "Concerts in the Park 1993" in the Lion's Shelter on the following dates:

Tuesdays — August 3rd, 10th, 17th

Fridays — August 6th, 13th, 20th

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to deny the rezoning request of the Carol Seamon property which was tabled from the March 17, 1993 meeting.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to table the Gerwitz application to build a deck till the next Town Board Meeting on April 21, 1993, until Code Enforcement Officer Kramer can review the plans more thoroughly due to the height and because this is commercial property.

four (4) Ayes — Carried

Boston Planning Board received a notice from Mr. Clair A. Montroy, III, Attorney for Larry Ovitt withdrawing his request for rezoning of property located at 5805-5803 Herman Hill Road.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to Appropriate Excess Revenue in Highway Fund as follows:

Estimated Revenue:

D 2665	Sale of equipment	$56,000.00

Appropriation:

D 5130.2	Machinery - Equipment	$56,000.00

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to appropriate funds as follows for Memorial Day Celebration:

AMVETS Boston Post 219	$400.00
VFW Post 2556	250.00

four (4) Ayes — Carried

Letter received from E-Z Shop, Inc. notifying the Town of their intent to renew its' beer license received and on file in the Clerk's office.

REGULAR BOARD MEETING — TOWN HALL
APRIL 7, 1993 — 7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to grant permission to Richard Schrecengost to use the Lion's Shelter for a family reunion on Saturday, May 29, 1993 from 11:00 A.M. till 8:00 P.M. no alcohol will be served.

four (4) Ayes — Carried

Registered letter with petition containing thirty-two (32) received from residents of Sprague Mobile Home Court protesting the request of Mr. Sprague to replace said skirting by residents of the Mobile Court was received by the Town Clerk.

Supervisor Kennedy also received a copy of said petition and a letter from the Consumer Protection Board of the State of New York referring to this same petition, to which he responded by sending a letter, indicating that the Town Board did not mandate the type of skirting required in the Sprague Mobile Home Park. Our primary concern was that the trailers be skirted. It was not the intent of this Board to make demands on the residents of the Sprague Mobile Home Court that they can't conform with.

Supervisor Kennedy directed Town Clerk Shenk to respond to the petition signers with a copy of the letter that he wrote to the Consumer Protection Board indicating that we have no objections to the present skirting.

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers to authorize Supervisor Kennedy to purchase under state contract a John Deere tractor at a cost of $10,254.00 and direct the Town Clerk to advertise in the official newspaper, 1984 - Model 650, 17 HP, 14 PTO, 60" mower deck, minimum bid four thousand dollars ($4,000.00). Sealed bids to be opened on Wednesday April 21, 1993 at 10 A.M.

four (4) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to approve Maplewood Construction Corp. request for a permit to set a "Temporary Field Office" and a five hundred (500) gallon septic tank on lands owned by Richard Banko, 7166 Boston State Road. Permit to expire December 31, 1993.

four (4) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report received and on file in the Clerk's office.

Supervisor Kennedy met with the representatives of the Army Corp of Engineers, D.E.C., County of Erie and Highway Superintendent Ruchalski regarding the Hillcroft Bridge. If we should have a heavy down pour we will have serious problem as we could possibly lose the bridge and/or the roadway. It was the consensus of the County of Erie that they be given permission to do some temporary remedial work pending the final section 14 study that is being conducted by the Army Corp of Engineers. There seems to be some concern of the type of rip-rap that the County would be allowed to use. We are trying to expedite this project as fast as we can. The Supervisor has met with the owners of the properties affected and they have no objections to what the Army Corp of Engineers intends to do. The Supervisor forwarded that information to the Corp indicating that the people have no objections, the town has no objections. A letter was also forwarded to the County of Erie asking them to consider funding twelve and a half percent (12.5%) of the cost. Copies of the Supervisor's correspondence have been sent to Congressman

REGULAR BOARD MEETING
APRIL 7, 1993

TOWN HALL
7:30 P.M.

Quinn acting on our behalf with the Army Corp, Assemblyman Pordum and to Senator Volker to see if they could do anything to expedite whatever has to be done with the D.E.C.

Supervisor Kennedy expressed his appreciation to the Members of the Board for opportunity allowing him to serve the remainder of his term. He will keep the Supervisor's salary the same as it has been when he drafts the budget in October 1993 it will be commensurate with whatever raises are received by other persons. If in fact, there are raises in this years budget.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that Supervisor Kennedy's salary from now until the end of the year not "The Supervisor's" salary, however, the salary that will be given to Supervisor Kennedy as the Supervisor, be for the remainder of fifteen thousand dollars ($15,000) which will be nine thousand, four hundred and eighty dollars and seventy-eight cents ($9,480.78).

four (4) Ayes Carried

TOWN CLERK REPORT

A) Registrar of Vital Statistics Monthly Report for March 1993 received and on file in the Clerk's office.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the Tax Collectors Monthly Report for March 1993.

four (4) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman at the recommendation of Town Clerk Shenk since it is no longer required by New York Election Law to hold a meeting for local registration in October, that the Town of Boston have one (1) Voter's Registration Day from 10:00 A.M. till 6:00 P.M. with two (2) Inspectors from each dominating party at a date to be announced.

four (4) Ayes Carried

Town Clerk received a notice from the Board of Elections indicating that when the people from the Board of Elections come out to program the Election Machines in the town before the September Primary Election and the November General Election we will issued a bill for mileage and hourly salary for those employees of the Board of Election based on the individual's salary at the Board.

Supervisor Kennedy will draft a letter to the Board of Elections telling them how dismayed he is, that once again another burden has been shifted on to the Local Governments. Especially, in view of the fact, that we pay twenty-five thousand dollars ($25,000.00) a year out of our County Tax to the Board of Elections, based on the seven (7) elections districts used in Boston.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy for Town Clerk Shenk and Deputy Town Clerk O'Neill to attend New York State Town Clerk's Association Conference in Buffalo at a cost of not more than two hundred dollars ($200.00)

four (4) Ayes Carried

REGULAR BOARD MEETING
APRIL 7, 1993

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley received communication from Mel Kase of Erie County with reference to the proposed hearing on the abandonment of Dunn Road, it confirmed that Mr. Gugino will be available on May 7, 1993 at 6:30 P.M.for the Public Hearing on the Qualified Abandonment of Dunn Road. A Public Notice will be published.

With Supervisor Kennedy and Town Engineer Pettit the Town Attorney attended a session with the Erie County Water Authority and various Southtown Governments that are involved in the upgrade of the water system in Orchard Park. The most significant development is that there is a proposed sighting of the additional tank at this end of the upgrade, at an elevation of 1600 feet which would put it outside of the present described area of what is known as Water Improvement #1. Town Attorney asked for permission from the Board to begin to do the paperwork to dissolve the current Water Improvement #1, so that we can reform and appropriately describe improvement on the east hill, to encompass the areas that we may actually be able to serve as a result of this upgrade.

COUNCILMEN REPORT

Councilman Flowers wished everyone a "Happy Easter".

Councilman Flowers discussed with Barbara Ballachino the possibility of the Tri-Q Committee staying on under a different name. The Tri-Q Committee is going to have a meeting at which time they will discuss this possibility and they will report back to Councilman Flowers.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to appoint Joe Wells, Alternate Delegate to the Southtowns Hazmat Team granting him voting power in the absence of Councilman Flowers and/or Councilman Wittmeyer.

four (4) Ayes Carried

Councilman Zimmerman had a call from the Emergency Squad that they were having problems with their 1987 vehicle, the transmission was bad. Verbal consent was given for repair at a cost of eighteen hundred ($1800.00).

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to grant a soil removal permit to remove six hundred (600) yards of gravel as staked in the area on the Joseph Simmeth property at 8010 Boston State Road.

four (4) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant a soil removal permit to remove six hundred (600) yards of topsoil as staked in the area on the Martin & Mildred Logel property 7784 Boston State Road.

four (4) Ayes Carried

Councilman Wittmeyer attended the South Boston Park meeting and reports that the drainage is finished and they are co-ordinating with the Highway Superintendent to get the driveway put in. The Boston Fire Company has donated a shelter to them.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer's Monthly Report for March 1993 received and on file in the Clerk's office.

REGULAR BOARD MEETING
APRIL 7, 1993

TOWN HALL
7:30 P.M.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's Monthly Report for March 1993 received and on file in the Clerk's office.

DOG CONTROL OFFICER REPORT

A) Dog Control Officer's Monthly Report for March 1993 received and on file in the Clerk's office.

TOWN ENGINEER MONTHLY REPORT

A) Town Engineer's Monthly Report for March 1993 received and on file in the Clerk's office.

ERIE COUNTY SHERIFF REPORT

A) Erie County Sheriff's Monthly Report for March 1993 received and on file in the Clerk's office.

UNFINISHED BUSINESS

Councilman Flowers announced that the Easter Egg Hunt would be held in the town park on Saturday, April 10th at 1:00 P.M. for children up to age 12.

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers to adjourn the meeting at 9:55 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING TOWN HALL
APRIL 21, 1993 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Milton I. Wittmeyer, Councilman David G. Zimmerman, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley, Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to accept the correction and adoption of the minutes of the April 7, 1993 Regular Monthly Meeting.

five (5) Ayes Carried

see Corrector page 276 A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #4A dated April 21, 1993 in the amount of $50,167.03 be paid

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #4A dated April 21, 1993 in the amount of $7,438.17 be paid.

five (5) Ayes Carried

Letter was received from Jack Quinn, Member of Congress informing of the Congressional Outreach Program. A representative from Congressman Quinn's office will be at Boston Town Hall: Wednesday 5/19/93, Tuesday 7/20/93, Tuesday 9/21/93, Tuesday 11/23/93 from 10:00 A.M. - 3:00 P.M.

Letter received from Mario Cuomo, Governor informing of his new 1993 Property Tax Relief Agenda. This proposal has been submitted to the legislature. Received and on file in the Town Clerk's Office.

Letter received from Andrew Zambelli, Secretary to the Governor acknowledging receipt of Town Board Resolution 1993-6, CHIPS. Received and on file in the Town Clerk's Office.

Received final Equalization rate from NYS Board of Equalization and Assessment at 83.38 for the upcoming tax year.

Letter from Daniel Weller, NYSDEC acknowledging the Town of Boston's application for monies for planting trees which has been forwarded to the Small Business Administration for final approval.

Letter from E.J. Nowicki, NYSDOT approving the application for a speed reduction to forty (40) MPH limit on Back Creek Road between Shero Road and Butternut Road. Supervisor Kennedy directed Highway Superintendent Ruchalski to make the necessary road sign changes.

Letter from Dale Volker, State Senate acknowledging that he has received Supervisor Kennedy's Letter in regard to revocation of Town Prosecutors.

Supervisor Kennedy commented that it would be more cost efficient to keep Town Prosecutors at the Town level instead of at the County level.

Letter from John Gugino, Erie County Dept. of Public Works acknowledging receipt of our Resolution 1993-12 and TE-9 form to lower the speed limit on Back Creek road at Boston Valley Elementary School which they have forwarded to the NYSDOT.

REGULAR BOARD MEETING — TOWN HALL
APRIL 21, 1993 — 7:30 P.M.

Letter from Michael Raab, Erie County Dept. of Environment & Planning informing of "Clean Sweep" which is designed to help collect waste pesticides from farmers in the month of November.

Supervisor Kennedy stated the Conservation Advisory Council will be informed of this event.

Letter from James Nolan, Erie County Dept. of Health advising of a Public Hearing to be held on May 26, 1993 at 3:30 P.M. at the Rath Building relative to the proposed amendments to the Erie County Sanitary Code.

Resolution received from Town of Grand Island regarding Drunken Driving Fees on file in the Clerk's Office.

RESOLUTION 1993 - 13 COMMUNITY DEVELOPMENT AGREEMENT

Sealed Bids for 1984 Tractor received and opened on April 21, 1993 at 10:00 A.M. as follows:

Mark Warnke	8833 Back Creek Road Boston, N.Y.	$4400.00
Bar-Chel	Route 240 & Route 39 Springville, N.Y.	4001.00

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to award the bid for the 1984 Tractor to Mark Warnke for four thousand, four hundred ($4400.00) dollars. Payment to be made by cash or certified check by April 23, 1993.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to grant a building permit to Gregory Gerwitz 7440 Boston State Road for a deck tabled from the April 7, 1993 Town Board Meeting.

five (5) Ayes — Carried

Received a petition with six (6) signatures from residents of Dunn Road referring to the conditions of said dirt road, received and on file in the Clerk's office.

Supervisor Kennedy stated that extensive work was done on Dunn Road last year. Superintendent Ruchalski commented that it has been worked on the past few years. The fire companies have been asked if they have had any problems getting in there and they said none.

Supervisor Kennedy, Councilman Wittmeyer and Highway Superintendent Ruchalski will inspect the conditions of Dunn Road on April 22nd and report back to the Board on their findings at the next Town Board Meeting.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve a Temporary Certificate of Occupancy for Lot #6 of the Boston Hills Estates pending a final certificate when the road is completed in its entirety after all the lots have been taken care of.

five (5) Ayes — Carried

Received a petition with thirteen (13) signatures from the residents of Sprague Mobile Home Park referring to Sprague Mobile Park Rules and Regulations Nos. 3, 4, 9 and 15 currently being violated by William Lee, who occupies Road Camp Trailer on Lot #11.

TOWN OF BOSTON

RESOLUTION 1993 - 13

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 21st day of April 1993 at 7:30 P.M. Eastern Daylight Savings Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

The following resolution was offered by Councilman Wittmeyer who moved its adoption:

BE IT RESOLVED, that the Town of Boston Town Board hereby approved and authorizes Supervisor Richard L. Kennedy to execute the Cooperation Agreement pursuant to the Housing and Community Development Act of 1974 as amended and the 1990 National Affordable Housing Act for future Urban Qualification periods the first of which is the 1994 - 1997 program years.

Seconded by Councilman Flowers and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING TOWN HALL
APRIL 21, 1993 7:30 P.M.

Supervisor Kennedy sent a letter of Mr. William Sprague in reference to the petition received, suggesting that he review the minimum restrictions of mobile units allowed in this park.

Supervisor Kennedy and Councilman Wittmeyer will be going to Sprague Mobile Home Park on April 22nd to inspect the situation referred to in the petition.

Request for Soil Removal Permits received from Roy Emerling on Boston State Road across from Omphalius Road and Anthony Bernardi, west end of Willow Drive tabled until the weather permits the Code Enforcement Officer and the Deputy Supervisor to inspect the properties.

Letter from North Boston Fire Company recommending that Peter Hausmesser be removed from the Fire Police, received and on file in the Clerk's office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to rescind the appointment of Peter Hausmesser from the North Boston Fire Police effective immediately.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to grant permission for Cub Scout Pack #391 to use the Lion's Shelter for a Family Picnic on June 5, 1993. No alcoholic beverage will be served.

five (5) Ayes Carried

Letter of appreciation received from Maury Bloom for the prompt work of the highway crew in maintaining the road during this past tough winter received and on file in the Clerk's office.

Letter from Bob Brunner, Secty., Brunco, Inc. advising that the On Premises Liquor License at 7115 Boston State Road is being renewed, received and on file in the Clerk's office.

SUPERVISOR REPORT

Letter received from Congressman Jack Quinn acknowledging receipt of letter regarding 18 Mile Creek erosion. Congressman Quinn has drafted a letter to the Army Corp of Engineer' asking if there is anything his office can do to expedite the project.

Letter received from Springville-Griffith Institute Central School District announcing that there will be School Board Voters Registration on Wednesday, May 19, 1993 from 12:00 Noon - 8:00 P.M. at the Collins Center Fire Hall, Colden Elementary School, High School. The Annual Voting date is Wednesday, May 26, 1993 from 10:00 A.M. - 9:00 P.M. at the Collins Center Fire Hall, Colden Elementary School, High School. Information program and packets for community organizations are being prepared and should be available by May 3, 1993.

Supervisor Kennedy applauded the Springville-Griffith Institute for setting up voting places convenient for all the people in their district.

Letter from the NYSDOT with reference to Construction of Rice Hill Road Interchange Access Road Contractor's work schedule April - May 1993 received and on file in the Clerk's office.

Supervisor Kennedy Proclaimed the Week of May 3, 1993 "Armed Forces Week" in the Town of Boston.

REGULAR BOARD MEETING
APRIL 21, 1993

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT

The Town Board pursuant to a certificate filed by the Highway Superintendent abandoned a portion of Dunn Road that began one mile from its intersection with Boston-Colden Road. A law suit was filed by Lois Slattery, Administrator for an estate on the land at the end of the road. Ronald Bronstein as attorney-in-fact for two other owners of property adjacent to Slattery served notice to intervene in that law suit and contest Slattery's suit to over turn the abandonment. There have been numerous pretrial conferences. A suggestion was made that while this law suit is pending, and before we take the matter toward any judicial conclusion, that we explore the possibility of engaging into what is known as a qualified abandonment. A qualified abandonment maintains the public right-of-way over the abandoned road but relieves the town of its obligation to maintain it.

The Town Board previously passed a resolution asking that the Deputy Superintendent of Public Works and Commissioner of Highways John Gugino conduct a Public Hearing. We have agreed upon a date of May 5, 1993 at 6:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to schedule a Public Hearing on May 5, 1993 at 6:30 P.M. to consider the Qualified Abandonment of Dunn Road.

five (5) Ayes Carried

RESOLUTION 1993 - 14 DEDICATION OF GREENBRIAR TERRACE SZALAY SUBDIVISION

Supervisor Kennedy directed Town Attorney Perley to draft a letter to Mr. Dake on Back Creek Road indicating that the premises have been inspected by the Code Enforcement Officer and Members of the Town Board and concur that a Commercial Saw Mill operation being operated on property that is zoned residential is in violation, giving him an opportunity to respond in a reasonable amount of time as to what he intends to do with this operation, if not he will be served by the Code Enforcement Officer.

Town Attorney Perley has been in contact with an attorney that represents Mr. Dake and has advised him that this property which is zoned R-2 is not permitted to have this type of operation on it.

Town Attorney will send a letter advising Mr. Dake to respond to the Town Board by the next Board Meeting, May 19, 1993.

Councilman Flowers suggested that a weight limit restriction be posted on Dunn Road. Town Attorney Perley will look into this.

COUNCILMEN REPORT

Councilman Flowers had a complaint from the residents on Boston State Road in the Hamlet of Boston where the road is disintegrating about natural gas leaking. Councilman Flowers contacted National Fuel and was assured that repair work would be done in that area within two weeks.

Councilman Flowers reported that in the Eckhardt Road area that National Fuel will be upgrading the gas mains from low pressure to high pressure which eliminate frozen gas lines and meters.

TOWN OF BOSTON

RESOLUTION 1993 - 14

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 21st day of April, 1993 at 7:30 P.M. Eastern Daylight Savings Time there were present:

Richard L. Kennedy	Supervisor
Milton J. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Jon A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

Supervisor Kennedy presented the following Resolution as amended by Councilman Flowers, and moved its adoption:

BE IT RESOLVED, by the Town Board of the Town of Boston that the road designated as Greenbriar Terrace on the Final Subdivision Plat entitle Scalay Development Subdivision be and the same is hereby accepted by the Town Board of the Town of Boston and designated by said body as a Town Highway in the Town of Boston, Erie County, New York; and

BE IT FURTHER RESOLVED, that the acceptance and dedication of said road is subject to and does not relieve the developer thereof from the obligation to complete construction of the said road in accordance with the Construction Specifications duly adopted by the Town of Boston and the Public Improvement Permit issued by the Town Board and shall be subject to final inspection by the Town Engineer and the Superintendent of Highways; and

BE IT FURTHER RESOLVED, that this Resolution does not and shall not be deemed to release any performance, completion and/or maintenance bonds or sureties posted by the developer, or by any contractor hired or retained by the developer, in compliance with the terms of the Public Improvement Permit issued by the Town Board of the Town of Boston.

Seconded by Councilman Flowers and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
APRIL 21, 1993

TOWN HALL
7:30 P.M.

Councilman Wohlhueter reported that BFI fliers have been distributed to all town residents. The tire disposal will be held on Saturday, May 1, 1993 at the town highway garage. Drop-off will be between the Lion's Shelter and the garage. Two tires per household from 9:00 A.M. till 3 P.M.

Councilman Zimmerman asked Supervisor Kennedy on behalf of the Town Board to write a letter to the Hamburg School Board requesting that they establish a voting place in the Town of Boston.

A motion to was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to adjourn the meeting at 8:57 P.M.

five (5) Ayes

Carried

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
MAY 5, 1993 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley, Superintendent of Highways Eugene E. Ruchalski.

Absent: Councilman Milton I. Wittmeyer.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to accept the correction and adoption of the minutes of the April 21, 1993 Regular Monthly Meeting.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #5 dated May 5, 1993 in the amount of $32,255.13 be paid.

four (4) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to approve the correction of Abstract #4A dated April 21, 1993 as follows:

Voucher #245		Service Office Supply
From:	A 5132.4	Garage
To:	A 5010.4	Supt. of Highways
Voucher #252		NYSEG
From:		NYSEG
To:		National Fuel
Voucher #260		NYSEG
From:		NYSEG
To:		National Fuel

four (4) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #5 dated May 5, 1993 in the amount of $5,813.05 be paid.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to accept the Town Clerks monthly report for April 1993.

four (4) Ayes — Carried

Letter from Senator Dale M. Volker acknowledging receipt of the Town of Boston Resolution 1993-11, concerning the cost of DWI's.

Letter from Robert L. Kowalewski, Deputy Commissioner of Finance, Erie County with certificate of attendance to the Board of Assessment Review Training for Herbert Berlin.

Received from the NYSDOT - Designation of Restricted Highway; several separate locations along Route 219 in Erie County. Designation of Restricted Highway shall expire December 31, 1993, or the actual contract completion date if extended.

Received from John J. Gugino, Deputy Commissioner of Public Works, a Certificate and Notice of Highway Closure - Zimmerman Road from Mayer Road to Keller Road, effective May 17, 1993 to completion.

REGULAR BOARD MEETING — TOWN HALL
MAY 5, 1993 — 7:30 P.M.

Received franchise check from Adelphia Cable in the amount of $16,522.34 for International Cablevision, Inc. This check represents payment of franchise fees for the period of October 1, 1992 through March 31, 1993. Payment was based on gross revenues of $350,437.50 at five (5%) percent less a credit of $999.54 for the Town of Boston Special Franchise Taxes.

Councilman Zimmerman requested that the Town Attorney request the $999.54 credit that was withheld, be returned. Our agreement with them is that they do not deduct from our payment.

Resolution received from the Town of Wales, Re: DWI Costs, received and on file in the Clerk's Office.

REQUESTS FROM THE FLOOR

Daniel Poppenberg, President of the Boston Emergency Squad asked that any complaints or criticism of the Squad that come into the Town Clerk's Office be directed to the Boston Emergency Squad, Director of Operation or the President. With these complaints, we offer follow-ups to the patients or family to better ourselves with our service to the Town of Boston.

Bob Keel on behalf of the Emergency Squad, as Chairman of the Squad's Fund Raising Campaign for this year, I would like to publicly thank the members of the Town Board as well as the Public in the Community who attended the opening event at the Boston Gardens on May 3, 1993. We had a tremendous "Kick-off Event" that brought in over four thousand ($4,000) dollars for our campaign.

Lisa Rood: I would like to bring to the Town Board's attention that this is officially "Water Week." Also, reporting from the Conservation Advisory Council that we have planted the trees we received from the Tree Grant down at the Highway garage. Thanks to Gene Ruchalski and his machine operator Joe for assisting us.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to approve the recreation appointments for Summer of 1993 as recommended by Gerald O'Brien, Recreation Director as follows:

Jennifer Schunk	Site Supervisor	$ 7.10/hr
Alison Becker	Ass't Site Supervisor	6.35/hr
Jackie Russell	Arts & Crafts Supervisor	5.85/hr
Jessica Burdick	Recreation Attendant	4.60/hr
Sean Forney	Recreation Attendant	5.10/hr
Nicole DellaPenta	Recreation Attendant	4.85/hr
Cheryl Wittmeyer	Recreation Attendant	4.60/hr
Bryan Krieger	Site Supervisor	7.10/hr
Mary Boltz	Ass't Site Supervisor	6.35/hr
Jennifer Staub	Arts & Crafts Supervisor	5.85/hr
Karen Wendling	Recreation Attendant	4.45/hr
Sharon Musselman	Recreation Attendant	4.85/hr
Rachel Was	Recreation Attendant	4.85/hr
Pam Valentine	Recreation Attendant	4.45/hr
Eric Steward	Rec. Att / Lifeguard	4.45/6.00/hr
Donna Odoj	Recreation Attendant	4.45/hr
Lori Metzger	Recreation Attendant	5.10/hr
Michele Errington	Site Supervisor	7.10/hr
Michelli Schunk	Ass't Site Supervisor	6.35/hr
Amy Armbruster	Arts & Crafts Supervisor	5.85/hr
Jeff Errington	Rec. Att / Sr. Lifeguard	5.10/6.50/hr
Margaret Mead	Recreation Attendant	4.45/hr
Jamie Cole	Recreation Attendant	4.45/hr
Tracie Durphy	Recreation Attendant	4.85/hr

REGULAR BOARD MEETING — TOWN HALL
MAY 5, 1993 — 7:30 P.M.

Matthew Glowgowski	Recreation Attendant	4.85/hr
Chris Wiktor	Recreation Attendant	4.85/hr

All appointments effective immediately and expire on August 31, 1993.

four (4) Ayes — Carried

Councilman Flowers: Apologized to the Town Clerk for referring people to the Clerk's office for applications for the Summer Youth Program, when applications were not made available to that office. He did not know that the people applying were to go directly to Gerald O'Brien, Recreation Director.

Recreation Director Gerald O'Brien: Prefers that the people call him directly so that he can briefly screen the applicants and explain the program to the prospective applicant.

Application received from Gregory and Julie Dake, 7825 Back Creek Road requesting a Restricted or Conditional Rezoning referred to the Planning Board for review and recommendation.

Received a copy of a letter from Katrina Washington, Legal Assistant, Bureau of Consumer Fraud and Protection acknowledging the receipt of a Notice of Complaint from the residents of the Sprague Mobile Home Park sent to the Attorney General.

Received a copy of the Mobile Home Program Group Complaint Form sent by residents of the Sprague Mobile Home Park to the NYS Division of Housing and Community Renewal.

Supervisor Kennedy responded that hopefully the Sprague Mobile Home Park will be in compliance with the Town Law when the Town Board inspects the park in July.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to create the Boston Town Park Improvement Project (L&WCF Proj #36-01164) as follows:

Project Cost	$190,900.00
To be funded by:	
General Fund	$ 12,000.00
L&WCF Grant	70,900.00
BAN	108,000.00

four (4) Ayes — Carried

RESOLUTION 1993 - 15 SERIAL BOND RESOLUTION

RESOLUTION 1993 - 16 BOND ANTICIPATION NOTE RESOLUTION

Letter received from the Boston Conservation Advisory Council asking the Town Board to consider the recommendation of hiring a planner to assist on Subdivision and Site Plan approval with the Planning Board.

Supervisor Kennedy indicated that there is in fact money in the budget for the employment of a planner and they should continue with their interviews and follow this through.

Letter received from the Planning Board recommending that the Steep Slope Legislation, as presented by Town Attorney Perley, be adopted.

TOWN OF BOSTON

NEW YORK

RESOLUTION

NUMBER 1993-15

SERIAL BOND RESOLUTION DATED MAY 5, 1993

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 5th day of May, 1993 at 7:30 o'clock in the evening Eastern Time there were :

Present:	**Richard L. Kennady**	**Supervisor**
	David G. Zimmerman	**Councilman**
	Don A. Wohlhueter	**Councilman**
	Mark W. Flowers	**Councilman**
Absent:	**Milton I. Wittmeyer**	**Councilman**

Councilman Zimmerman presented the following Resolution and moved its adoption:

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK AS FOLLOWS:

SECTION 1. That the Town of Boston, Town Park Improvement Project as outlined in a certain project grant issued under the Federal Land and Water Conservation Fund Act, 16 U.S.C. 460(1)-4 et seq.; administered by the State of New York Office of Parks, Recreation and Historic Preservation and entitled L.& W.C.F. Project #36-01164 for the purpose of making improvements to the Boston Town Park be and the same is hereby authorized.

SECTION 2. That the maximun estimated cost of such specific object or purpose is $ 190,900.00 and the plan for financing therefor is as follows:

a) By the issuance of $ 108,000.00 serial bonds of the Town of Boston, hereby authorized to be issued pursuant to the Local Finance Law;and

b) By the use of $ 70,900.00 awarded pursuant to L.& W.C.F. Project # 36-01164 as set forth in **SECTION 1** hereof.

c) By allocation of $12,000.00 from the General Fund of the Town of Boston available therefor and appropriated for such purpose in the 1993 Budget of the Town of Boston.

SECTION 3. That it is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten (10) years, same being defined as the embellishment of a park, playground or recreational area, pursuant to Local Finance Law §11.00 subsection 19(c).

SECTION 4. That the Town of Boston, Erie County, New York, issue its serial bonds in the amount of $ 108,000.00 to finance such cost in accordance with the financial plan set forth above. Such bonds shall be dated approximately as of the date of adoption of this Resolution and the power to fix and determine the exact date of such bonds is hereby delegated to the Supervisor.

SECTION 5. That such bonds shall be numbered consecutively and shall be in the total amount of $108,000.00 and shall mature in numerical order in annual installments in the years and in the total amounts as follows: $21,600.00 - May 9, 1994, $21,600.00 - May 8, 1995, $21,600.00 - May 7, 1996, $21,600.00 - May 7, 1997, $21,600.00 - May 7, 1998 in such individual amounts to be determined; and said bonds shall be issued in bearer form without coupons and shall contain a power to convert to registered form in accordance with the applicable provisions of the Local Finance Law. The bonds shall bear interest at a rate not exceeding

four percent (4%) per annum. Payments of such interest shall be evidenced by notation thereof on said bonds at the time of payment. The bonds shall be substantially in the form of the proposed bond which is attatched hereto and made a part of this Resolution.

SECTION 6. That the Supervisor is hereby delegated the power to prepare such bonds and to sell such bonds at private sale at not less than par and accrued interest, and at such sale to fix the interest to be borne by such bonds within the limitations set forth in this Resolution. The Supervisor shall deliver such bond to the Purchaser thereof only against cash or a certified check. The proceeds of sale of the bond shall be deposited in a special bank account, as required by § 165.00 of the Local Finance Law and the powers delegated to the Supervisor by this Resolution shall be excercised in conformity with the provisions of the Local Finance Law.

SECTION 7. That the faith and credit of the Town of Boston, Erie County, New York are hereby irrevocably pledged for the payment fo principal and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in such Town, a tax sufficient to pay the principal of and interest on such bonds as the same shall become due and payable.

SECTION 8. This Resolution shall take effct immediately.

The question of the adoption of the foregoing Resolution was seconded by **Councilman Flowers** and duly put to a vote on roll call, subscribed by the members voting in affirmance thereof, which resulted as follows:

Supervisor Kennedy Voting Aye

Signature

Councilman Zimmerman Voting Aye

Signature

Councilman Wohlhueter Voting Aye

Signature

Councilman Flowers Voting Aye

Signature

AYES: FOUR (4) NOES: NONE (0) ABSENT: ONE (1)

David J. Shenk-Town Clerk
Town of Boston

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1993-16

BOND ANTICIPATION NOTE RESOLUTION DATED MAY 5, 1993 FOR THE ISSUANCE AND SALE OF A BOND ANTICIPATION NOTE OF THE TOWN OF BOSTON, NEW YORK, IN ANTICIPATION OF THE SALE OF $108,000.00 SERIAL BONDS FOR THE TOWN OF BOSTON, TOWN PARK IMPROVEMENT PROJECT

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 5th day of May, 1993 at 7:30 o'clock in the evening Eastern Time there were :

Present:	Richard L. Kennedy	Supervisor
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman
Absent:	Milton I. Wittmeyer	Councilman

Supervisor Kennedy presented the following Resolution and moved its adoption:

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK, AS FOLLOWS:

SECTION 1. For the purpose of financing the Town Park Improvement Project, in accordance with proceedings heretofore taken by the Town Board of the Town of Boston, are hereby

authorized to be issued a $108,000.00 Bond Anticipation Note of said Town.

SECTION 2. Specific reference is hereby made to a Resolution entitled "Serial Bond Resolution Dated May 5, 1993", authorizing the issuance and sale of Serial Bonds of the Town of Boston, New York, which Resolution authorized the Bonds in anticipation of the sale of which the Note hereby authorized is to be issued

SECTION 3. The amount of the Bonds to be issued for the aforesaid object or purpose is $108,000.00, and such bonds shall be Serial Bonds.

SECTION 4. The amount of the Bond Anticipation Note to be issued is $108,000.00. Such Note shall be dated May 7, 1993 and shall be numbered "No.1", and shall mature May 9, 1993, bearing interest at the rate not exceeding four percent (4%) per annum, payable at maturity. Such Note shall be signed by the Supervisor of said Town, and be attested by the Town Clerk of said Town, and both principal of and interest on said Note shall be payable in lawful money of the United States of America at the Boston Town Hall, 8500 Boston State Road, Boston, New York or such other address designated on said Note. Such Note shall be substantially the form as the copy of said Note hereto annexed.

SECTION 5. Said Note shall be payable from the proceeds derived from the sale of said Bonds or otherwise be redeemed in the manner provided by Section 23.00 of the Local Finance Law.

SECTION 6. The faith and credit of said Town are irrevocably pledged for the payment of said Note and interest thereon.

SECTION 7. There are no Bond Anticipation Notes outstanding which have been previously issued in anticipation of the sale of said Bonds. Neither is the Note, hereby authorized, a Renewal Note. The period of maturity of such Note is hereinabove set forth. Such Note is not issued in anticipation of Bonds for an assessable improvement.

SECTION 8. The Supervisor of the Town of Boston is hereby authorized to sell said Note at private sale at not less than par and accrued interest; and when said Note shall have been duly executed and sold, the same shall be delivered to the purchaser upon payment of the purchase price to the Supervisor and the reciept of the Supervisor shall be a full acquittance to said purchaser who shall not be obliged to see to the application of the purchase money.

SECTION 9. This resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was seconded by **Councilman Wohlhueter** and duly put to a vote on roll call, subscribed by the members voting in affirmance thereof, which resulted as follows:

Supervisor Kennedy	Voting Aye	Signature
Councilman Zimmerman	Voting Aye	Signature
Councilman Wohlhueter	Voting Aye	Signature
Councilman Flowers	Voting Aye	Signature

AYES: FOUR (4) NOES: NONE (0) ABSENT: ONE (1)

David J. Shenk, Town Clerk
Town of Boston

--PUBLIC NOTICE--

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1993-17

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 5th day of May, 1993 at 7:30 o'clock in the evening Eastern Time there were :

Present:	Richard L. Kennedy	Supervisor
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman
Absent:	Milton I. Wittmeyer	Councilman

Councilman Flowers presented the following Resolution and moved its adoption:

WHEREAS, Anthony Bernardi is the owner in fee title of the following described premises:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot 22, Township 8, Range 7, of the Holland Land Company's Survey, bounded and described as follows:

Beginning at the southwest corner of the terminus of Willow Drive as shown on Map Cover 2230 filed in the Office of the Erie County Clerk; running thence easterly along the southerly line of Willow Drive a distance of thirty feet (30.0') to a point; running thence southerly, at an interior angle of ninety (90) degrees a distance of fifty feet (50.0') to a point; running thence westerly, and parallel to the southerly line of Willow Drive, a distance of thirty feet (30.0') to a point; running thence northerly, at an interior angle of ninety (90)

degrees and parallel to the second described course hereof, a distance of fifty feet (50.0') to the southwest corner of the terminus of Willow Drive, said point being the point and place of beginning.

and,

WHEREAS, the Town desires to obtain title to said premises as a turnaround for Highway Department vehicles such as snow plows, and to facilitate the maintenance of Willow Drive.

NOW THEREFORE, BE IT RESOLVED, that, subject to a Permissive Referendum, Richard L. Kennedy, a Supervisor of the Town of Boston, Erie County, New York, and on its behalf, be and he is hereby authorized to obtain title to the above described premises; and be it further

RESOLVED, that Richard L. Kennedy, as Supervisor of said Town of Boston be, and he is hereby, authorized to execute all documents that may be required to effectuate the transfer of all right, title and interest in said property to the said Town of Boston; and be it further

RESOLVED, that this Resolution is subject to a Permissive Referendum as required by law and shall be posted on the bulliten board at the Town Hall and shall be published in the official newspaper of the Town of Boston.

Seconded by Supervisor Kennedy and put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: FOUR (4) NOES: NONE ABSENT:ONE(1)

David J. Shenk

David J. Shenk-Town Clerk

PUBLIC NOTICE

Town of Boston
New York
RESOLUTION
Number 1993-17

At a regular meeting of the town board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 5th day of May, 1993 at 7:30 o'clock in the evening Eastern Time there were

Present:
Richard L. Kennedy Supervisor
David G. Zimmerman Councilman
Don A. Wohlhueter Councilman
Mark W. Flowers Councilman
Absent:
Milton I. Wittmeyer Councilman

Councilman Flowers presented the following Resolution and moved its adoption:

WHEREAS, Anthony Bernardi is the owner in fee title of the following described premises:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot 22, Township 8, Range 7, of the Holland Land Company's Survey, bounded and described as follows:

Beginning at the southwest corner of the terminus of Willow Drive as shown on Map Cover 2230 filed in the office of the Erie County Clerk; running thence easterly along the southerly line of Willow Drive a distance of thirty feet (30.0') to a point; running thence southerly, at an interior angle of ninety (90) degrees a distance of fifty feet (50.0') to a point; running thence westerly, and parallel to the southerly line of Willow Drive, a distance of thirty feet (30.0') to a point; running thence northerly, at an interior angle of ninety (90) degrees and parallel to the second described course hereof, a distance of fifty feet (50.0') to the southwest corner of the terminus of Willow Drive, said point being the point and place of beginning: and,

WHEREAS, the Town desires to obtain title to said premises as a turnaround for Highway Department vehicles such as snow plows, and to facilitate the maintenance of Willow Drive.

NOW THEREOF, BE IT RESOLVED, that, subject to a Permissive Referendum, Richard L. Kennedy, a Supervisor of the Town of Boston, Erie County, New York, and on its behalf, be and he is hereby authorized to obtain title to the above described premises; and be it further

RESOLVED, that Richard L. Kennedy, as Supervisor of said Town of Boston be, and he is hereby, authorized to execute all documents that may be required to effectuate the transfer of all right, title and interest in said property to the said Town of Boston; and be it further

RESOLVED, that this Resolution is subject to a Permissive Referendum as required by law and shall be posted on the bulletin board at the Town Hall and shall be published in the official newspaper of the Town of Boston.

Seconded by Supervisor Kennedy and put to a vote which resulted as follows:

Supervisor Kennedy	Aye
Councilman Zimmerman	Aye
Councilman Wohlhueter	Aye
Councilman Flowers	Aye

Ayes: 4 Noes: 0 Absent: 1
Dated: May 7,1993
Published: May 14, 1993

By Order of the Town Board
David J. Shenk
Town Clerk

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF
ORCHARD PARK

DESIREE COLEMAN

being duly sworn, deposeth and saith that she is the Publisher of The Southtowns Citizen, a newspaper published once a week in the Village of Orchard Park, County of Erie, State of New York, and that the notice, a printed copy of which is annexed has been published in The Southtowns Citizen, one in each week commencing on the 14th day of May, 1993, and ending on the 14th day of May, 1993

Signed Desiree Coleman

Sworn to before me this 17 day of May 1993

Notary Public

JUNE F. COOPER
NOTARY PUBLIC, State of New York
Qualified in Erie County
My Commission Expires 6/30/93

REGULAR BOARD MEETING — TOWN HALL
MAY 5, 1993 — 7:30 P.M.

Town Attorney Perley will have available for the Town Board Members before the next regular meeting Steep Slope Legislation that he has prepared at the request of Councilman Wohlhueter.

Building permit application received from Charlap's Dairy Farms, Inc., 7264 Boston State Road referred to the Planning Board for review and recommendation.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to grant permission to Margery Dix to use the Lion's Shelter for a Family Reunion on July 10, 1993 pending the receipt of an insurance certificate.

four (4) Ayes — Carried

SUPERVISOR

A) Supervisor's Monthly Report for April 1993, received and filed in the Clerk's office.

Supervisor Kennedy received communication from Assemblyman Pordum on the Hillcroft Road Bridge indicating that he has checked with the DEC and the County of Erie and is awaiting the County's plan for temporary remedial action.

TOWN CLERK

A) Registrar of Vital Statistic's Monthly Report for the month of April 1993, received and on file in the Clerk's office.

B) Tax Collector's Monthly Report for the month of April 1993, received and on file in the Clerk's office.

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to accept the Tax Collector's Monthly Report for April 1993.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to approve the request that Deputy Town Clerk Anna M. O'Neill attend a Word Perfect Seminar on July 14, 1993 at the cost of $98.00.

four (4) Ayes — Carried

HIGHWAY SUPERINTENDENT

Highway Superintendent Ruchalski submitted an application to the NYS Emergency Managers Office for the blizzard on March 13-17, 1993. Since this had been declared a "State-of-Emergency" there will be money coming from the Federal Emergency Management Agency to the Town. Our town's share would be seventy-five (75%) of expenses paid, which is three thousand, six dollars and thirty-five cents ($3.006.35).

TOWN ATTORNEY

RESOLUTION 1993 - 17 WILLOW DRIVE TURN AROUND - BERNARDI PROPERTY

COUNCILMEN

Councilman Flowers reviewed the street lighting and lamp styles to be installed in the Szalay Subdivision with John Szalay and the Contractor.

280

REGULAR BOARD MEETING — TOWN HALL
MAY 5, 1993 — 7:30 P.M.

Councilman Flowers received a call about "Garage Sale" season and went to investigate a continuing garage sale on Zimmerman Road. This matter has been referred to the Code Enforcement Officer for observation and review.

Councilman Wohlhueter thanked Town Clerk Shenk and Gene Shenk for helping him send out the recycling flyers that were sent out the 1st of April.

Councilman Wohlhueter thanked Highway Superintendent Ruchalski, Leo Jensen and Bill Dzierzanowski for their help with the tire-drop off on May 1, 1993. The cost was ninety-five dollars ($95.00) per ton to Integrated Waste.

Councilman Wohlhueter reported that there is a meeting with the Southtowns Solid Waste Committee on May 6, 1993.

Councilman Zimmerman acknowledged that the Town was awarded a grant for the addition to the Town Hall Community Room in the amount of ninety thousand dollars ($90,000.00).

CODE ENFORCEMENT OFFICER

A) Code Enforcement Officer's Monthly Report for April 1993 received and on file in the Clerk's Office.

DEPUTY CODE ENFORCEMENT OFFICER

A) Deputy Code Enforcement Officer's Monthly Report for April 1993 received and on file in the Clerk's Office.

DOG CONTROL

A) Dog Control Officer's Monthly Report for April 1993 received and on file in the Clerk's Office.

TOWN ENGINEER

A) Town Engineer's Monthly Report for April 1993 received and on file in the Clerk's Office.

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman to adjourn the meeting at 8:53 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

RESOLUTION 1993 - 18

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 19th day of May 1993 at 7:30 P.M. Eastern Daylight Savings Time there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

Supervisor Kennedy presented the following Resolution and moved its adoption:

WHEREAS, the City of New York operates a facility for homeless people in the Town of Chester, New York, and

WHEREAS, the Town of Chester has and is experiencing difficulties with individuals who reside at that facility causing public safety and health concerns, and

WHEREAS, the Town of Chester has ascertained to its satisfaction that a certain number of the residents at the facility are the subject of outstanding criminal warrants, and

WHEREAS, no screening of criminal records for outstanding warrants, etc is performed by the City of New York prior to placing the residents at this facility, and

WHEREAS, the Town of Chester has requested the help of other municipalities in the state to help insure passage of legislation designed to require criminal record checks prior to admission to this non-secure residential facility (S-2150 and A-2526),

NOW THEREFORE BE IT RESOLVED that the Town of Boston supports the Town of Chester in its desire to have the above bills enacted into law, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the Town Supervisor of the Town of Chester, Senator Dale Volker and Assemblyman Francis Produm.

Seconded by Councilman Wohlhueter and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
MAY 19, 1993 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley, and Superintendent of Highway Eugene E. Ruchalski.

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman to accept the correction and adoption of the minutes of the May 5, 1993 Regular Monthly Meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #5A dated May 19, 1993 in the amount of $59,348.89 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers that the Highway Bills on Abstract #5A dated May 19, 1993 in the amount of $13,696.20 be paid.

five (5) Ayes — Carried

Letter received from State Comptroller Edward Regan, regarding payment of State General Purpose Revenue Sharing (GPRS) to cities, towns and villages received and filed in the Clerk's office. Town of Boston will receive the same amount of State Aid in the 1993-94 State Budget as they did in 1992-93.

Letter from Wilson Moore, Director NYSDOT regarding CHIPS Program. Under the Operation and Maintenance the direct portion of CHIPS, the Town of Boston will receive a SFY 1993-94 total of $10,886 in quarterly payments. Under the Capital reimbursement portion of CHIPS, the Town of Boston will receive a SFY 1993-94 allotment of $25,471.

Letter from Robert J. Russell, Regional Director, NYSDOT, a traffic engineering investigation to consider a school speed zone on Back Creek Road in the vicinity of Boston Valley Elementary School has been initiated.

RESOLUTION 1993 - 18 TOWN OF CHESTER - CAMP LAGUARDIA

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to authorize Supervisor Kennedy to execute Investment Policy received from the State Comptroller.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to purchase from Image Office Equipment a Conica plain paper fax machine on a lease purchase agreement in the amount of $1795.00 w/trade at $150.00 per month for 12 months with a buy out of $179.00.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to authorize Supervisor Kennedy to enter into a Lease Agreement between the Boston Free Library and the Town of Boston in the amount of $5500.00.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
MAY 19, 1993 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant permission for Highway Superintendent Eugene Ruchalski to attend Association of Towns 1993 Highway School at Ithica College June 7, 8 & 9, 1993.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to appoint at the recommendation of Len Soulier the following 1993 Boston Youth Baseball League coaches and assistant coaches:

JUNIORS:	Sponsor	Coach	Assistant
Team: 1	Emerling Chev.	Bob Monczynski	Chuck Sienk
2	Brunner's Pizza Ba.	Jim Fracella	Kevin Elsaesser
3	R.J.Smolinski Truck	Jim Dion	Gene Partridge
4	Boston Lion's Club	Roger Melius	Ed Slwinski
5	Rucker Lumber	Mark Warnke	Colleen Potter

PREPS:

Team: 1	Mariano's Pizza	Dan Woodrow	Jim Gastle
2	Warehouse Paints	Jim May	Bill Bachman
3	Ferrous Mfg.	Greg Burroughs	Mike Hacker
4	Boston Video	Frank Kruszynski	Dick Delotto
5	Moore's Auto Svc	Rich Schrecengost	Mike Rieske
6	Amvets Post 219	Jim Nabozny	Larry Phillips

SENIORS:

Team: 1	Blackwell Mobil	Larry Steward	Mark Smith
2	Boston Hotel	Elliott Pfeiffer	Craig Wilson
3	No. Boston Liquors	Ron Pachan	
4	Boston Deli	Jim Appenheimer	Tom Stellrecht

TEE-BALL:

Team: 1	No. Boston Liquors	Vieden Zahariev	Joe Newland
2	Elaine's Style Ctr	Pat McCormack	Gordy Karstedt
3	Charlap's Dairy	Tim Dinse	Gerry May
4	B-Kwik Market	Jim King	
5	Evans National	Ron Smith	

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to appoint at the recommendation of Tony Staub, President of Boston Softball League the following 1993 Boston Softball League Coaches and Assistants:

TRAVEL TEAM: No coaches at this time.

A DIVISION:	Coaches	Assistant
Team: 1	Tony Staub	Jeff Pasiecznik
2	Sue Duffett	Jessica Burdick
3	Barb Zak	Rolf Torno
4	Lisa Walczyk	Don Seider
		Becky Walczyk

B DIVISION:

Team: 1	Bob Ehlers	Wayne Kreiger
		Dave Fregelette
2	Henry Abramowski	Galen Musselman
3	Lucille Werth	Tom Narby
4	Dave Nicholas	Paul Ketzer

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
MAY 19, 1993 — 7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to authorize Highway Superintendent Ruchalski to install Handicapped signs at entrance to East Lane and West Lane per request of Daniel and Gloria Gorcica.

five (5) Ayes — Carried

SUPERVISOR'S REPORT

Received a letter from Congressman Jack Quinn acknowledging a letter he received from the Army Corp of Engineers concerning erosion problems along eighteen mile creek at the Hillcroft Bridge. This letter stated that an erosion control study has been in effect since November 13, 1992 and is near completion. A draft detailed report describing recommendations for a solution to the erosion problems is scheduled to be complete in July 1993. Assuming the study produces a positive recommendation for and erosion control project and the Town of Boston, County of Erie and the State of New York are willing to cost share in it's implementation.

Supervisor Kennedy stated that the Federal Government through the Army Corp of Engineers is willing to accept 75% of the cost of the project and the remaining 25% would have to be shared by the County of Erie and the Town of Boston.

Supervisor Kennedy has drafted a letter to County Legislature Fred Marshall and to the County Highway Department asking for their commitment of the 12.5%.

The optimistic schedule for completion of this project is the summer of 1994.

Letter received from Larry Bartz, Rural Planner for Southtowns Board acknowledging the excellent cooperation of the Town of Boston Highway staff in maintaining the Rural Transit Van and equipment.

TOWN CLERK'S REPORT

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to authorize Deputy Town Clerk O'Neill and Town Clerk Shenk to attend D.E.C. Licensing Seminar in Hamburg, N.Y. on May 27th and in Salamanca, N.Y. on May 28, 1993 respectively.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to authorize Supervisor Kennedy to pay C.V.M. Electric $844.31 for initial work being done by the electrical contractor on the addition to the Emergency Squad.

five (5) Ayes — Carried

HIGHWAY SUPERINTENDENT'S REPORT

Superintendent Ruchalski talked with the County maintenance engineer in Hamburg, before the "End of 40 mph Zone" sign on Back Creek Road can be taken down, they have to receive a directive from the Buffalo office authorizing them to do so.

TOWN ATTORNEY'S REPORT

Reported at the request of the Traffic Safety Committee that the jurisdiction of the town with regards to placing "Stop" and "Yield" signs, that the town does have a certain amount of jurisdiction provided that the intersections involved are only

town and county roads and not state roads. The town then has to make a determination as to which street should be the through street and then adopt an order on a case by case basis.

COUNCILMEN REPORTS

Councilman Flowers attended the Chamber of Commerce Meeting and reported that the Chamber is going to promote supporting businesses doing business in the town.

Councilman Flowers met with John Szalay and his contractor regarding the street lighting in the Szalay Subdivision.

Councilman Flowers addressed Councilman Zimmerman with reference to some inquiries he received from residents of Haag Road regarding Cable Service.

Town Attorney Perley responded that the Cable Company is waiting for the make-ready of the poles on Haag Road and on Rockwood Road.

RESOLUTION 1993 - 19 DUNN ROAD 4 TON WEIGHT LIMIT

Councilman Wohlhueter advised that there seems to be a problem with the disposal of refrigerators in the town. He will take this matter up with Paul Balbierz of BFI to see if something could be worked out to rectify this matter.

Councilman Zimmerman had a complaint from a resident on the Boston Cross Road that there still needs to be some remedial work done on the South Boston Park Project.

Supervisor Kennedy and Councilman Wittmeyer will go out and do an on site inspection of the properties involved with the South Boston Park Project.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to grant a Soil Removal Permit to Roy Emerling for property on Boston State Road near Omphalius Road.

five (5) Ayes Carried

Councilman Wittmeyer asked Code Enforcement Kramer to comment on a Soil Removal Permit requested by Anthony Bernardi, 6385 Willow Drive.

Code Enforcement Officer Kramer advised Mr. Bernardi that before a Soil Removal Permit can be issued he must rough grade the entire yard. When this has been completed, a Soil Removal Permit will be considered.

After lengthy discussion it was determined that Mr. Bernardi did not require a Soil Removal Permit as he did not intend to remove soil from his property. Only move it around on the premises. If at a later date he should decide to take soil off the premises or sell the soil, then he will reapply for a Soil Removal Permit.

ERIE COUNTY SHERIFF'S REPORT

Erie County Sheriff's Report for April 1993 received and on file in the Clerk's office.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to adjourn meeting at 8:29 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1993-19

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 19th day of May, 1993 at 7:30 o'clock in the evening Eastern Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Milton I. Wittmeyer	**Councilman**
	David G. Zimmerman	**Councilman**
	Don A. Wohlhueter	**Councilman**
	Mark W. Flowers	**Councilman**

Absent:

Councilman Flowers presented the following Resolution and moved its adoption:

WHEREAS, Dunn Road, for the distance of one mile from its intersection with the Boston-Colden Road is a Town Highway in the Town of Boston, New York; and

WHEREAS, the property adjacent to the said Dunn Road is zoned R-A Resident Agricultural; and

WHEREAS, the Town Board of the Town of Boston has received complaints from residents on Dunn Road concerning the condition of same, namely, that the said Dunn Road has become rutted and pot-holed as a result of vehicular traffic; and

WHEREAS, it appears to the Town Board and the Superintendent of Highways of the Town of Boston that the ruts and pot-holes may have been caused by vehicular traffic on the said Dunn Road; and

WHEREAS, the Town Board herein determines that there is a need to restrict the type and weight of vehicles travelling on Dunn Road; and

WHEREAS, the Town Board has determined that Dunn Road would be materially injured if vehicles exceeding four (4) tons in weight were allowed to travel on the said Dunn Road; and

WHEREAS, Section 1660 of the Vehicle and Traffic Law allows the Town of Boston to restrict the weight of vehicles travelling on the said Dunn Road.

NOW THEREFORE:

BE IT RESOLVED, That no vehicles having a gross weight of over four tons (as same are defined in the Vehicle and Traffic Law of the State of New York) shall be allowed on the said Dunn Road in the Town of Boston except as hereinafter provided, and be it further

RESOLVED, that the Superintendent of Highways be and he is hereby directed to post and maintain the appropriate signs on the said Dunn Road until directed to remove same by further Order of the Town Board, and be it further

RESOLVED, that pursuant to Vehicle and Traffic Law §1660 subsection 11 the Town Board of the Town of Boston may entertain applications to exempt appropriate vehicles from the aforesaid weight restriction.

Seconded by **Councilman Wittmeyer** and put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: FIVE (5) **NOES: NONE (0)** **ABSENT: NONE (0)**

David J. Shenk

David J. Shenk-Town Clerk

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1993-20

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 2nd day of June, 1993 at 7:30 o'clock in the evening Eastern Time there were:

Present:	Richard L. Kennedy	Supervisor
	Hilton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Absent:

Supervisor Kennedy presented the following Resolution and moved its adoption:

WHEREAS: The Town Board of the Town of Boston adopted Resolution Number 1993-19 at its regular meeting on May 19, 1993; and

WHEREAS: The said Resolution established a four (4) ton weight limit on Dunn Road in the Town of Boston, New York; and

WHEREAS: Browning - Ferris Industries (BFI) has a contract with the Town of Boston for the collection of residential solid waste; and

WHEREAS: The contract between the Town of Boston and BFI requires BFI to collect residential solid waste on Dunn Road in the Town of Boston; and

WHEREAS: Certain trucks used by BFI to collect residential solid waste exceed four (4) tons in weight; and

WHEREAS: The Resolution adopted by the Town of Boston allows the Town Board to grant certain exemptions for certain vehicles upon receipt of and application therefor; and

WHEREAS: BFI has applied for an exemption from the four (4) ton weight restriction for vehicles used in the collection of residential solid waste on Dunn Road in the Town of Boston.

NOW THEREFORE, BE IT

RESOLVED: That the application of BFI to exempt its municipal solid waste collection trucks from the four (4) ton weight limit established on Dunn Road by Town Board Resolution Number 1993-19 be and the same is hereby approved, and be it further

RESOLVED: That BFI is hereby allowed to operate the motor vehicles necessary to fulfill its contract for the collection of municipal solid waste with the Town of Boston on Dunn Road without regard to the weight limitation established by Town Board Resolution Number 1993-19.

Seconded by **Councilman Wittmeyer** and put to a vote which resulted as follows:

Supervisor Kennedy	Voting AYE
Councilman Wittmeyer	Voting AYE
Councilman Zimmerman	Voting AYE
Councilman Wohlhueter	Voting AYE
Councilman Flowers	Voting AYE

AYES:FIVE (5) **NOES:NONE (0)** **ABSENT:NONE (0)**

David J. Shenk-Town Clerk

REGULAR BOARD MEETING — TOWN HALL
JUNE 2, 1993 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter,, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley, and Superintendent of Highways Eugene E. Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to accept the adoption and correction of the minutes of the May 19, 1993 Regular Monthly Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that General Fund and Special District Bills on Abstract #6 dated June 2, 1993 in the amount of $47,796.18 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the Highway Bills on Abstract #6 dated June 2, 1993 in the amount of $4,049.46 be paid.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the Town Clerk's Monthly Report for May 1993.

five (5) Ayes — Carried

Letter was received from Richard Steer, Franchise Accountant, Adelphia Cable with check in the amount of $999.54 representing a deduction taken in error for Special Franchises.

Town Attorney Perley commented that at Councilman Zimmerman's direction when we negotiated with Adelphia Cable we insisted upon a net Franchise Fee. We have been successful in receiving this year an additional $1,600.00.

Letter received from BFI Waste Systems requesting an exemption from the vehicle weight restriction of four (4) ton placed on Dunn Road.

RESOLUTION 1993 - 20 B.F.I. WEIGHT EXEMPTION DUNN ROAD

Letter received from John R. Finster, P.E., Erie County Department of Health - approval of application for Szalay Subdivision on file in the Town Clerk's Office.

Letter from John Gugino, Erie County Dept. of Public Works, Highway Division regarding Speed Limit Reductions on the Town of Boston Subdivision Roads. Acknowledged receipt of Resolution for speed limit reduction. Town Attorney Perley is working on the descriptions and the TE10 forms.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer directing Highway Superintendent Ruchalski to place a 35 MPH speed limit sign on Fairlane Drive.

five (5) Ayes — Carried

Resolution from the Town of Colden - D.W.I. received and on file in the Clerk's Office.

Supervisor Kennedy recognized a group of students from Hamburg High School in attendance observing Town Government.

REGULAR BOARD MEETING — TOWN HALL
JUNE 2, 1993 — 7:30 P.M.

REQUESTS FROM THE FLOOR

Kay Falkides, Boston Hills Estates Owner: Is there anything that the town can do with regards to the neighbors of the property next to the Boston Hills Estates who are speeding on a dirt road next to the development raising a lot of dust? We spoke to Mr. Logel and he responded, "That's just too bad."

Supervisor Kennedy: Are these people dumping in this area?

Kay Falkides: I asked what they are doing and their response was "We are dumping, this is our land we can do whatever we want." I don't know what they are doing back there.

Supervisor Kennedy will draft a letter to Mr. Logel regarding this matter. Also, Code Enforcement Kramer will be notified of this situation.

John Falkides: There is a semi-trailer at the end of Willow Dr. is it suppose to be there, isn't this wrong?

Supervisor Kennedy: We are aware of some abandoned cars as well as the trailer that you refer to. The Code Enforcement Officer has given a directive to the property owner as far as cleaning this area up. This matter will be followed up.

Supervisor Kennedy addressed Mr. Falkides about the previously requested updated survey that the Town Board had asked for of the updated version of the layout of the Mobile Home Park. Also, that he was going to close off the north roadway. To date you have not responded.

John Falkides: We have instructed our contractor to close this road off. There is going to be a solid steel barricade put in place. The contractor is trying to match other guard rails that we currently have in place.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to set the summer Town Board schedule for the months of July and August as follows:

Agenda Review	Monday	July	19, 1993	7:00 P.M.
		August	16, 1993	7:00 P.M.
Town Board Meeting	Wednesday	July	21, 1993	7:30 P.M.
		August	18, 1993	7:30 P.M.

five (5) Ayes — Carried

Letter received from Richard Slater, 6375 Tillen Road questioning the potential problems affecting the temperamental water supply as the new West Hill Road is excavated. He questioned if they are protected by the State if they lose their water.

Supervisor Kennedy will contact Mr. Forrestal of Cold Springs Construction and a representative of the D.O.T. asking that they investigate Mr. Slater's complaint.

Councilman Flowers also had an inquiry from a resident in this area. After contacting the D.E.C. regarding the excavation procedure he was advised that this process was within the guidelines of the D.E.C.

Town Attorney Perley responded that unfortunately the Town cannot do anything directly to remedy this problem. This is a D.O.T. project. The state is a superior municipal entity and has jurisdiction.

REGULAR BOARD MEETING — TOWN HALL
JUNE 2, 1993 — 7:30 P.M.

Supervisor Kennedy directed the Town Clerk to draft a letter to the owners of the Boston Hills Estates and Sprague Mobile Home Park respectively informing them of the dates set for the Annual Mobile Home Park License Inspection by members of the Town Board as follows:

Sprague Mobile Home Park	Monday	June 14, 1993	6:45 P.M.
Boston Hills Estates	Tuesday	June 15, 1993	6:45 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to issue a Temporary Certificate of Occupancy to the Boston Hills Estates Lot #15 and #16, contingent upon a report from Code Enforcement Officer Dennis Kramer.

Councilman Zimmerman has a problem voting for this since we have been waiting five to six months to get the north road closed, and three or four months for the updated survey.

Councilman Flowers	Voting	Aye
Councilman Wohlhueter	Voting	Aye
Councilman Zimmerman	Voting	Nay
Councilman Wittmeyer	Voting	Aye
Supervisor Kennedy	Voting	Aye

four (4) Ayes — one (1) Nay — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve a change order in the amount of $7,180.00 to re-roof the entire roof on the ambulance garage at the recommendation of the Capitol Improvements Committee.

five (5) Ayes — Carried

A motion was made by Councilman Flowers, with no second, to grant Charlap's Dairy a Building Permit for an 8'x 14' storage tank with a 6' fence and leave out the flower box in front of the fence.

Supervisor Kennedy after hearing much discussion would like to confer with Mr. Charlap to see if it is imperative that this project be done by a certain date. If Mr. Charlap wishes to amend his application, as indicated to Herb Klein on Memorial Day, then Supervisor Kennedy would be receptive to tabling this until the next Board meeting. If in fact Mr. Charlap needs this permit within the next few days Supervisor Kennedy would poll the Town Board Members into a meeting.

Motion withdrawn by Councilman Flowers. After much discussion it was the consensus of the Board not to make a decision until Mr. Charlap has had an opportunity to clarify what he is asking for on this application.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to table the Charlap Dairy's Building Permit until the next Town Board Meeting on June 16, 1993.

five (5) Ayes — Carried

Letter from Boston Planning Board recommending a Special Permit be granted to Greg and Julie Dake to conduct a firewood processing operation at 7825 Back Creek Road with contingencies as outlined on file in the Clerk's Office.

Supervisor Kennedy responded to this letter recommending that a Special Permit be granted which is not allowable under the current zoning.

DH529

REGULAR BOARD MEETING TOWN HALL
JUNE 2, 1993 7:30 P.M.

Town Attorney Perley at the request of Supervisor Kennedy defined the use of a Special Permit as having to be specifically authorized in the zoning to be subject to Town Board approval or to have jurisdiction over its approval given to any Board of the Town. Therefore, if the zoning law does not have a Special Use Permit for processing firewood, this Board lacks the jurisdiction to issue that permit. The application before the Board is a zoning application. It is the recommendation of Town Attorney Perley to refer this application back to the Planning Board for their comments specifically on the rezoning issue, which is the issue before the Board and is the only issue on which this Board can presently act.

Supervisor Kennedy would like to refer Greg and Julie Dake's Rezoning application back to the Planning Board and ask the Planning Board to report back to the Town Board what their thoughts are on the rezoning application prior to the Public Hearing.

Supervisor Kennedy made a motion seconded by Councilman Flowers that a Public Hearing be set for the Rezoning of the Dake Property at 7825 Back Creek Road for Wednesday, July 21, 1993 at 8:00 P.M.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve the request of Diane Skinner, Pre-K Teacher, Churchill Child Center, to use the Town Park and Lions Shelter on Thursday and Friday, June 10 & 11, 1993 respectively, from 10:30 A.M. until 12:00 noon for their Annual Graduation Ceremonies.

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to approve the request of Emma Dusch, First Baptist Church of Hamburg to use the Lions Shelter and Town Park for their Annual Sunday School Picnic on Sunday, July 17, 1993. Insurance certificate will be provided and no alcohol will be served.

five (5) Ayes Carried

Letter received from Mr. & Mrs. Andrew Wojtaszczyk, 7609 Feddick Road requesting use of the Community Room in the Town Hall for a Christening Supper on Sunday, July 11, 1993.

Supervisor Kennedy commented that this would be setting a new precedent that we have here to fore not done. The only use that we have actually used the Community Building for has been for Community sponsored projects and/or civic organizations that wish to use the facility. We have not made the facility available for weddings, christenings etc.

Supervisor Kennedy directed the Town Clerk to draft a letter to Mr. & Mrs. Wojtaszczyk indicating to them that it is not the policy nor has it been the policy of the Town Board to open the Community Room to private individuals.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to deny the request of Mr. & Mrs. Andrew Wojtaszczyk to use the Community Room in the Town Hall for a Christening Supper on Sunday July 11, 1993. Advise them of the availability of the Lion's shelter and the Town Park as an alternative.

five (5) Aye Carried

REGULAR BOARD MEETING — TOWN HALL
JUNE 2, 1993 — 7:30 P.M.

Letter received from Gerald G. Knight, 253 Ivey Drive S.W., Milledgeville, G.A. with reference to purchasing property in the area of Back Creek Road where he could place a mobile home. Referred to Town Attorney Perley.

Letter received from Jo and Ormus Davenport, 4957 Appletree Road regarding the resurfacing and restoration of Appletree Road.

Superintendent of Highways Ruchalski responded that he has talked with Mr. Davenport regarding this situation and after reviewing the road there is more major work to be done than anticipated.

Supervisor Kennedy will contact the Town Engineer and see if the road can be surveyed and staked out.

SUPERVISOR'S REPORT

A) Supervisor's monthly report for May 1993 received and on file in the Clerk's office.

DH529

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers to authorize payment of a bill submitted by Kenneth P. Mooney for labor, equipment and material to install a sanitary sewer road crossing to include a 6" clean out at Chestnut property, 5621 Southside Drive, Creekside Subdivision, North Boston, in the amount of $1,250.00 charged to Sewer District #2.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers to authorize payment of bill submitted by Southtowns Equipment Rental for work on the Nature Trail in Boston Town Park in the amount of $1,650.00 to be charged to the Town Park Improvement Project.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to authorize Supervisor Kennedy to enter into a contract with Nussbaumer & Clarke to redesign and draw specifications and bid documents for the steps on the front of the Town Hall.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to direct the Town Clerk under the direction of the Town Attorney to loan facsimile machine (fax) bearing Town of Boston serial number 12336 and Kex/Copy Source identification number JK054 to the Boston Barracks, Troop A, New York State Police. While the machine is in their custody it shall be the responsibility of the State Police to maintain, repair and purchase supplies for the said fax machine. This loan is subject to recall under one of two conditions. (1) If trade-in is called in by current vendor, (2) if the Town Board of Boston for any reason requests the machine back).

five (5) Ayes — Carried

TOWN CLERK'S REPORT

A) Registrar of Vital Statistics Report for May 1993 on file in the Clerk's office.

REGULAR BOARD MEETING — TOWN HALL
JUNE 2, 1993 — 7:30 P.M.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to accept the Tax Collector's report for May 1993.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to grant the request of Mrs. Jeffrey Praczkejlo to use the Town Park and Lions Shelter for an 80th Birthday Party on Saturday, August 14, 1993, no alcohol will be served.

five (5) Ayes — Carried

HIGHWAY SUPERINTENDENT'S REPORT

Highway Superintendent Ruchalski asked the Town Board for authorization to purchase a twenty (20) ton trailer, air brakes, complete twenty-four (24) foot overall for $9,195.00 from Mecca-Kendall, Inc. There is money in the Equipment Fund to pay for this.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to authorize Highway Superintendent Ruchalski permission to purchase a twenty (20) ton trailer at a price of $9,195.00 from Mecca-Kendall, Inc.

five (5) Ayes — Carried

Highway Superintendent Ruchalski thanked the Town Board for approving the Mutual Aid Agreement between the Towns as we had to use equipment and service from the Town on Eden.

Supervisor Kennedy directed the Town Clerk to draft a letter of thanks to the Town of Eden Highway Department for the use of their equipment.

TOWN ATTORNEY'S REPORT

Town Attorney Perley reported that he had heard from Councilman Zimmerman and received other phone calls from residents of Rockwood Road indicating that cable is being installed as well as on Haag and Enser Roads. On Rockwood Road the poles on which Adelphia is attaching the lines in some areas are very widely spaced and there is an extreme droop in the lines and he has received complaints from the neighbors. He has asked the General Manager of Adelphia to request that the survey crews do something to elevate these lines and get the sag out. He will keep the Town Board and the residents informed.

COUNCILMEN REPORT

Councilman Flowers directed this question to the Town Attorney. It was brought to my attention that the specification in the Cold Springs Construction contract had been waived for a particular fill and now it is ok to take the fill off the Bonerb property. If the fill is taken off the Bonerb property which is going to come to approximately 300,000 yards, do they have to go through the process of a Soil Removal Permit, Public Hearing and Site Plan Review?

Town Attorney Perley responded: I hesitate to comment on that as Mr. Bonerb has been a client of mine. However, I can only tell you this the fill that is being removed is not virgin fill. It is fill from the 219. In a situation where fill has been stored, it is not naturally occurring soil and it is not subject to the permit requirements. This is transported fill from a contract. Direct your question to Deputy Town Attorney Wilson with reference to this site.

REGULAR BOARD MEETING TOWN HALL
JUNE 2, 1993 7:30 P.M.

Councilman Flowers spoke with residents on Haag Road and Mr. Haag, Mrs. Jensen and Mrs DiCarlo are very thankful that they are getting Cable television and wish to thank everyone who had anything to do with this.

Councilman Wohlhueter with regards to the refrigerator disposal problem we discussed at the last meeting I have received calls from two appliance dealers who will remove the freon units. He will be consulting with Mr. Balbierz from BFI.

Councilman Wohlhueter offered his compliments to the Boston Town Band that performed at the Memorial Day Service, to the people who got this going, to Herb Klein, Town Historian Jim Jehle, Rev. Gary Burdick and his son Chris Burdick.

Councilman Zimmerman commented on the Rockwood Road Cable service and thanked Town Attorney Perley for his help following this up. And to thank Mr. Perley for the follow-up letter to Adelphia Cable and getting the town franchise check of almost a thousand dollars.

Councilman Wittmeyer received a request from Councilman Flowers requesting a speed reduction to 30 mph on Zenner Road. This is a county road currently having a 55 mph speed limit. Zenner Road is seventeen (17') feet wide and is deteriorated badly and is filled with holes, broken pavement and no shoulders. Combined with the hilly, winding nature of the road it is no longer worthy of the 50 mph speed limit.

This letter will be referred to the Traffic Safety Committee and will be reported back to the Town Board.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to direct the Highway Superintendent put a "Children at Play" sign at the entrance to the North Boston playground on Meadow Drive.

five (5) Ayes Carried

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer's Monthly Report for May 1993 received and on file in the Town Clerk's office.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's Monthly Report for May 1993 received and on file in the Town Clerk's office.

DOG CONTROL OFFICER REPORT

A) Dog Control Officer's Monthly Report for May 1993 received and on file in the Town Clerk's office.

UNFINISHED BUSINESS

Town Clerk Shenk thanked the Town Board for allowing Deputy Town Clerk O'Neill and himself to attend the DEC Licensing Seminar as there are many changes.

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman to adjourn this meeting at 9:08 P.M.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

DDH529

TOWN BOARD SPECIAL MEETING — TOWN HALL
JUNE 2, 1993 — 9:10 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley, Superintendent of Highways Eugene E. Ruchalski.

Town Board Members being present, Supervisor Kennedy called a Special Meeting of the Town Board to order at 9:10 P.M.

Supervisor Kennedy received a request of resignation from Deputy Dog Control Officer Robert Steiner effectively immediately. A letter will be forthcoming.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Marjorie Steiner as interim Deputy Dog Control Officer until a letter of resignation is received at the salary previously assigned to the Deputy Dog Control Officer, minus what has been drawn to the date of resignation.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to adjourn this meeting at 9:20 P.M.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
JUNE 16, 1993 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent were: Councilman Milton I. Wittmeyer, Councilman David G. Zimmerman, Highway Superintendent Eugene E. Ruchalski.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to accept the adoption and correction of the minutes of the June 2, 1993 Regular Monthly Meeting.

three (3) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that General Fund and Special Districts Bills on Abstract #6A in the amount of $60,203.02 be paid.

See Connection Page 301, 331

three (3) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the Highway Bills on Abstract #6A in the amount of $16,350.79 be paid.

See Direction Page 299

three (3) Ayes — Carried

Received from the David Gaskell, State of New York Board of Equalization and Assessment showing a decrease of approximately $650,000 the year previous there had been an increase of $800,000. A Certificate of Final Special Franchise Assessments on file in the Town Clerk's Office.

Letter received from Dale M. Volker, N. Y. State Senate acknowledging receipt of Boston Resolution requesting support of Senate Bill S-2150 on file in the Town Clerk's Office.

Letter received from Francis J. Pordum, Assemblyman acknowledging letter from Supervisor Kennedy supporting Assembly Bill 1349-A, Geographic Information System.

Letter received from David J. Swarts, Erie County Clerk announcing that effective immediately all Motor vehicle transactions normally brought to the State Department of Motor Vehicle Office can now be processed at the following Erie County Motor Vehicle Offices:

Buffalo	25 Delaware Avenue
Amherst	Century Mall, 3131 Sheridan Drive
Cheektowaga	Appletree Business Park, Union Road
Orchard Park	The Commons, S3352 Southwestern Blvd.

Received a corrected copy of Page 13-1 of the Erie County Water Authority's Tariff on file in Town Clerk's Office.

Letter from Charles A. Sickler, P.E., Department of Public Works, Division of Highways Re: Lower East Hill Road - Pre-letting Meeting to be held on June 17, 1993 at 11:00 A.M. at 95 Franklin St., Buffalo, N.Y. on file in the Clerk's office.

Supervisor Kennedy commented that he will refer this to Superintendent of Highways Ruchalski and it is very likely that they will attend this meeting.

Letter from John J. Gugino, P.E., Department of Public Works, Division of Highways Re: Lowers East Hill Road - Bid opening to be held on June 24, 1993, file in the Town Clerk's Office.

Received Resolution from Town of Eden Re: Computerized Mapping Systems or Geographic Information Systems for Erie County Water Authority on file in the Clerk's office.

DD529

REGULAR BOARD MEETING — TOWN HALL
JUNE 16, 1993 — 7:30 P.M.

RESOLUTION 1993 - 21 ERIE COUNTY WATER AUTHORITY - GEOGRAPHIC INFORMATION SYSTEM

REQUESTS FROM THE FLOOR

Michelle J. Zulawski, 6944 Boston Cross Road; Submitted a letter of complaint along with photographs of her property that was affected by the South Boston Town Park Drainage Project. When Ms. Zulawski purchased her house she paid extra to have survey stakes left in case she ever wanted to do anything to her property. The stakes are gone. Why was additional park property bought in the town before the South Boston Park Project was completed? I asked that by the next Town Board Meeting this problem be corrected or that some steps be taken.

Supervisor Kennedy: Spoke with the contractor regarding property stakes that were removed and he was told that they ha all been replaced except for the ones on Mr. Lowry's property. Since Mr. Lowry was the only one who complained. Arrangements were made with the surveyor to properly put stakes on this property. There is a small amount of retainage remaining in the contract for this drainage project from Klarberg that has not been released. I will contact Mr. Klarberg and indicate to him the problems that you pointed out and see if these concerns can be corrected.

Under the terms of the grant that we applied for from New York State Parks and Recreation one of the prerequisites was that we attain additional park lands as part of the grant application. The land was purchased at the back of the Town Park to create a walkway and nature path along the creek.

Town Attorney Perley: That was the major component of a seventy thousand ($70,000.00) dollar grant.

Supervisor Kennedy: This has been an ongoing project from three and a half (3 1/2) years ago which was started long before South Boston Park was a reality.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to authorize Supervisor Kennedy to sign a change order from Feddington-Allen for the Ambulance Garage Addition in the amount of $4,550.00 dollars.

three (3) Ayes — Carried

Letter received from Deputy Town Attorney David Wilson, Re: Soil Removal Permit for Bonerb Property. It is my legal opinion that Cold Springs Construction Company does not need a Town of Boston Soil Removal Permit to remove the soil which they intend to remove from the Bonerb property, on file in the Town Clerk's Office.

Councilman Flowers: Discussed this matter with Deputy Town Attorney Wilson at length and went over Town Code Section 101-1. This Town Board has no jurisdiction over the removal of over three hundred thousand (300,000) yards of material. The Town has nothing to say about this and the Planning Board does not get a site plan review on this, because it is a public improvement. I think this is wrong. I have never seen a plan of what is going to happen up there. I've been assured that there is going to be something happen up there, nobody knows what is going on up there.

Supervisor Kennedy: Talked with Cold Springs Construction and was assured that he has an agreement signed with Mr. Bonerb that once this soil is removed proper grades will be made and that it will all be graded and seeded. In addition to that I was assured by the D.O.T. that under the provisions they have for

TOWN OF BOSTON

RESOLUTION 1993 - 21

COMPUTERIZED MAPPING SYSTEMS OR GEOGRAPHIC INFORMATIONS SYSTEMS
FOR
ERIE COUNTY WATER AUTHORITY

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 16th day of June 1993 at 7:30 P.M. Eastern Daylight Savings Time there were

present:

Richard T. Kennedy	Supervisor
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

absent:

Milton T. Whitegiv	Councilman
David C. Zimmerman	Councilman

Supervisor Kennedy presented the following Resolution and moved its adoption:

WHEREAS, the Erie County Water Authority desires to facilitate the development of a county wide multi-participant and multi-purpose Geographic Information System (GIS) base map for Erie County; and

WHEREAS, the Governor and New York State Legislature has called for innovative cost and service sharing arrangements between local governments; and

WHEREAS, reducing and sharing administrative costs is sound public policy facilitating efficient and effective service delivery amongst municipalities; and

WHEREAS, the coordinated development and use of GIS technology between the public and private sectors can facilitate the creation, integration and maintenance of existing information to make valuable planning and management tools; and

WHEREAS, sharing GIS information can reduce incompatible mapping scales and regional services and eliminate opposing regional and local planning strategies; and

WHEREAS, a coordinated approach can advance current methods of providing regional services and eliminate opposing regional and local planning strategies; and

WHEREAS, GIS could streamline public safety services such as emergency and disaster planning and implementation; and

WHEREAS, this approach can reduce the costs of infrastructure planning and administration, land use planning, and regional service planning; and

WHEREAS, Local Governments can share in the information thus reducing the costs to local taxpayers for infrastructure, emergency and service planning and development; and

NOW THEREFORE BE IT RESOLVED that the Town of Boston endorses and supports New York State Bill #8753/A1349 which will allow the Erie County Water Authority to recover GIS-related start up costs; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to Assemblyman Francis J. Pordum, Senator Dale M Volker, Assemblyman Miller, Senator Mattina, Erie County Water Authority attention Joan Lillis.

Seconded by Councilman Wohlhueter and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Absent
Councilman Zimmerman	Voting Absent
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 3 NOES: 0 ABSENT: 2

David J. Shenk

DAVID J. SHENK, TOWN CLERK

the removal of soil they also have restriction and regulations as to how that can be left before Cold Springs Construction can leave the premises.

Supervisor Kennedy recommended that if Councilman Flowers feels that strongly about this, he suggested that an amendment to the Town Code be drafted by Councilman Flowers how he would like to have it done and discuss this in depth at a Public Hearing.

Councilman Flowers: I don't have a problem with them taking the soil, we just don't have any way of regulating what goes on.

Supervisor Kennedy: Will ask the D.O.T. to supply the Board with their format as to how that will be restored afterwards so that you can review it. Also, a copy of the contractual agreement between Cold Spring Construction as signed with Mr. Bonerb as far as the restoration of his property.

Town Attorney Perley: Advised Councilman Flowers that drafting legislation is not a conflict for him and if he would like to discuss amendments to this legislation he would be happy to work with him on it.

DD6529

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to transfer General Funds:

From

1990.4	Contingent Account	C	$6,000.00

To

1220.4	Supervisor Account	C	$6,000.00

three (3) Ayes Carried

Letter received from S. Jerome Hawkins, P.E., DiDonato Associates Re: reconstruction of NY Route 277, SH 1665, NY Route 391 to Ward Road, in the Town of Boston on file in the Clerk's office.

Supervisor Kennedy will ask the Capitol Improvements Committee and the Board if they have anything to submit and he will draft a letter to Mr. Hawkins of any concerns we might have with respect to this project.

Supervisor Kennedy along with the Members of the Town Board did an onsite inspection of the Mobile Home Parks noting various corrections that need to be made. A letter was sent to Mr. Sprague, owner of the Sprague Mobile Home Park and also to Mr. & Mrs. John Falkides, owners of the Boston Hills Estates Mobile Home Park outlining the problems that were found. Code Enforcement Officer Kramer and Supervisor Kennedy will check the respective Parks to see if the corrections in the communications have been made. If the corrections have been made or an earnest effort has been made Supervisor Kennedy will ask permission to poll the Town Board Members.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to authorize Supervisor Kennedy to Poll the Town Board Members upon receiving a report from the Code Enforcement Officer after his inspection on the June 29, 1993 to extend or grant the respective park owners a license on July 1, 1993.

three (3) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
JUNE 16, 1993 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to table Anthony Bernardi's Soil Removal Permit until the area to be cut is more clearly defined.

three (3) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to grant permission to the Boston Town Band to use the Lion's Shelter on Thursday, July 29, 1993 for a Community Concert beginning at 7:30 P.M.

three (3) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant permission to Mr. & Mrs. Andrew Wojtaszczyk to use the Lion's Shelter on Sunday, July 11, 1993 for a Christening Party. No alcoholic beverages will be served.

three (3) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant permission to of Charlap's Dairy for an 8' x 14' storage tank at 7264 Boston State Road as per the Planning Boards directive with a fence installed, if in fact, he later makes application to close this structure then we would delete the requirement of the fence.

three (3) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to approve the following recreation appointments, deletions and changes for Summer of 1993 as recommended by Gerald O'Brien, Recreation Director:

APPOINTMENTS:

Damian Wiktor	Recreation Supervisor	$2200.00 Salary
Katy Bermingham	Recreation Attendant	4.25/Hr.
Rebecca Dubisz	Recreation Attendant	4.25/Hr.
David Jones	Recreation Attendant	4.25/Hr.
Eric Krajewski	Recreation Attendant	4.25/Hr.
Dawn Terrizzi	Recreation Attendant	4.25/Hr.
Melissa Wilson	Recreation Attendant	4.25/Hr.
Cari Malchoff	Lifeguard, ECC South	6.00/Hr.

CHANGES:

Tracie Durphy	Recreation Attendant to Arts & Crafts Supervisor ECC South	5.85/Hr.

DELETE:

Amy Armbruster	Arts & Crafts Supervisor ECC South
Sean Forney	Recreation Attendant - Town Hall

three (3) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to authorize Supervisor Kennedy to sign a grant acceptance form in the amount of $2,935.00 from the Local Records Management Improvement Fund.

three (3) Ayes — Carried

LEGAL NOTICE

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1993-22

IN THE MATTER OF THE ESTABLISHMENT
OF THE
LANGO ROAD EXTENSION #1
TO
BOSTON WATER DISTRICT #1
IN THE
TOWN OF BOSTON, ERIE COUNTY, NEW YORK

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 16th day of June, 1993 at 7:30 o'clock in the evening Eastern Time there were:

Present:	Richard L. Kennedy	Supervisor
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman
Absent:	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman

Supervisor Kennedy presented the following Resolution and moved its adoption:

WHEREAS, a written Petition dated June 3, 1993, in due form, and containing the required signatures, has been presented to and filed with the Town Board of the Town of Boston, Erie County, New York, for the annexation of property, situate in the said Town of Boston, to Water District Number 1 in the said Town of Boston, to be bounded and described as herein below set forth and identified as Exhibit A which is annexed hereto and made a part hereof; and

WHEREAS, said improvements consist of the installation of four hundred thirty (430) linear feet of six inch (6") diameter

pipe together with the necessary valves, hydrants and other appurtenances for service to all existing homes in the proposed extension as well as making service available to any additional homes built in the proposed extension; and

WHEREAS, the Petitioners have agreed to bear the expense of the installation of the required improvements in such amounts and in such manner as set forth in certain agreements executed by the Petitioners on June 3, 1993, which said Agreements have been filed with the Town Board of the Town of Boston together with the Petition, excluding from such expense the cost of purchasing, installing and maintaining a fire hydrant, if required, which said cost will be borne by the Town of Boston Fire Protection District, it is hereby

ORDERED, that a Public Hearing be held at a meeting of the Town Board of the said Town of Boston in the Town Hall thereof, 8500 Boston State Road, Boston, New York, on the 21st day of July, 1993, at 7:55 P.M. o'clock in the evening of said date, to consider said Petition and to hear all persons interested in the subject matter thereof, concerning the same and for such other action on the part of the said Town Board with relation to said Petition as may be required by law or proper in the premises, and it is further

ORDERED, that the Town Clerk publish a copy of this Resolution in the official newspaper of the Town of Boston as required by law.

Seconded by **Councilman Wohlhueter** and put to a vote which resulted as follows:

Supervisor Kennedy	Voting AYE
Councilman Wittmeyer	Absent
Councilman Zimmerman	Absent
Councilman Wohlhueter	Voting AYE
Councilman Flowers	Voting AYE

AYES:Three (3) NOES:None (0) ABSENT:Two (2)

David J. Shenk-Town Clerk

EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Boston, County of Erie and State of New York being part of Lots 2 and 56 , Township 8, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

Beginning at the southeast corner of Farm Lot number 2 of the Holland Land Company's survey, said point being the southwest corner of Farm Lot 56 of the said Holland Land Company's survey; running thence west, along the south line of Lot 2, a distance of five hundred eighty-four feet (584') more or less to the westerly boundary of the Town of Boston Water District No. 1 as established by prior Resolution of the Town Board of the Town of Boston and running thence north, along the westerly boundary of said Water District No. 1, a distance of nine hundred thirty-one and seven tenths feet (931.7') to a point in the boundary of said Water District No. 1 wherein said boundary turns at right angles to the east ; running thence easterly, and at right angles to the preceding course, initially along the boundary of Water District No. 1, and parallel to the south line of Lot 2, a distance of five hundred ninety-four and eighty-three one-hundredths feet (594.83') more or less to the easterly line of Lot 2, also being the westerly line of Farm Lot 56 and continuing along the said course an additional distance of two hundred feet (200.0') to a point; running thence southerly and parallel to the east line of Lot 2 (also being the west line of Lot 56) a distance of nine hundred thirty one and seven tenths feet (931.7') more or less to the south line of Lot 56; running thence west along the south line of Lot 56 a distance of two hundred feet (200.0') more of less to the southwest corner of Lot 56, said point also being the south east corner of Lot 2 and further being the point and place of beginning.

A:\LGO-A.MFP.TOB-2

TOWN OF BOSTON

RESOLUTION 1993 - 21

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 16th day of June, 1993 at 7:30 P.M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy	Supervisor
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

absent were:

Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, Katherine Elizabeth Siemann will celebrate her 100th birthday on June 25th of this year; and

WHEREAS, Miss Siemann was born in New York City and began her active employment as a bookbinder at the age of 14 and remained a business woman until her retirement at the age of 68 years; and

WHEREAS, Elizabeth has been an active church member all of her life and has also held a variety of offices in various fraternal and civic organizations; and

WHEREAS, since Miss Siemann became a resident of Boston she has been an active member of the Boston Senior Citizens, the Good Shepherd Lutheran Church and American Association of Retired Persons; and

WHEREAS, Elizabeth has been a member of several singing societies over the years and exhibits a genuine warmth and generous interest in people ; and

WHEREAS, she is one of a very select group to reach the century mark in our community and is now Boston's oldest known resident; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Boston offers our heartiest congratulations to Miss Siemann on this joyous occasion and extend to her our best wishes for many more years of health and happiness.

Seconded by Councilman Flowers and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Absent
Councilman Zimmerman	Voting Absent
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 3 NOES: 0 ABSENT: 2

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1993-24

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 16th day of June, 1993 at 7:30 o'clock in the evening Eastern Time there were:

Present:	Richard L. Kennedy	Supervisor
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman
Absent:	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman

Supervisor Kennedy presented the following Resolution and moved its adoption:

BE IT RESOLVED, that pursuant to Section 171 of the Highway Law of the State of New York the Town Board of the Town of Boston hereby consents to the Superintendent of Highways of the Town of Boston dedicating that portion of the road designated as George Drive on a certain survey of N.E.S.W. Land Surveying Company as described on a certain deed from Palmer Building Concepts, Inc. to the Town of Boston dated the 13th day of April, 1993 and recorded in the office of the Erie County Clerk on the 15th day of June, 1993 in Liber 10676 of Deeds at Page 436 as a Town Highway in the Town of Boston upon reeipt of proof that Palmer Building Concepts, Inc. has installed water and sewer service in said property in accordance with the specifications of the Erie County Water Authority and Erie County Sewer District Number 3.

Seconded by Councilman Wohlhueter and put to a vote which resulted as follows:

Supervisor Kennedy	Voting__Aye____
Councilman Wittmeyer	Absent
Councilman Zimmerman	Absent
Councilman Wohlhueter	Voting__Aye____
Councilman Flowers	Voting__Aye____

AYES: Three (3) NOES: None (0) ABSENT: Two (2)

David J. Shenk-Town Clerk

A:\GEO-DR.BOS.TOB-1

REGULAR BOARD MEETING — TOWN HALL
JUNE 16, 1993 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant permission to Jean Kleis, Assessment Clerk to attend an instructional computer course to be given at Erie Community College South on Friday, June 18, 1993 from 9:00 A.M. to 4:00 P.M.

three (3) Ayes — Carried

RESOLUTION 1993 - 22 LANGO ROAD EXTENSION #1

SUPERVISOR REPORT

RESOLUTION 1993 - 23 CATHERINE ELIZABETH SIEMAN 100TH BIRTHDAY JUNE 25, 1993

TOWN CLERK REPORT

Received a phone call and letter from Diane Welch, Personnel Manager, Mercy Home Care, Re: Mercy Home Care is seeking to hire individual who would be interested in caring for people who are ill or disabled and in need of help. More information will be forthcoming, letter on file in the Clerks Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant permission to Elizabeth Slomka to use the Lion's Shelter on Saturday, August 7, 1993 for celebration of mothers 90th birthday. A insurance certificate will be provided if alcohol is to be served.

three (3) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley has been in discussion with Adelphia Cable concerning the lines that have been installed on Rockwood Road and has gone up there and inspected it and it appears that some of the lines have been raised. He will stay in touch with the residents in that area as well as Councilman Zimmerman. If there are still problems after they have made whatever corrections they can make we will have a meeting up there with the neighbors and see what we can do to resolve this problem. The major difficulty is that some of the poles are pretty widely set creating a sag in the lines.

RESOLUTION 1993 - 24 GEORGE DRIVE DEDICATED TOWN HIGHWAY

COUNCILMEN REPORT

Councilman Flowers expressed condolences to Councilman Wittmeyer and Councilman Zimmerman on the passing of their brother and uncle respectively.

Councilman Flowers attended the Southtowns Haz/Mat Meeting they are working on the budget for 1994. The assessment for the town will remain $1,945.00 at this time.

Councilman Flowers has been working on finding parts for the street light standards and has attained a price list which he will forward to Supervisor Kennedy.

Councilman Wohlhueter expressed his condolences to Councilman Wittmeyer, Councilman Zimmerman and also to Bookkeeper Jean Kleis on the passing of their brother, uncle and father respectively.

DDH529

REGULAR BOARD MEETING
JUNE 16, 1993

TOWN HALL
7:30 P.M.

Councilman Wohlhueter reported that the refrigerators that had been set out on various properties in the town have been picked up by the Highway Superintendent and his crew. BFI gave the town a 30 yard dumpster to use for this pickup.

TOWN ENGINEER REPORT

A) Town Engineer's Report for May 1993 received and on file in the Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to adjourned this meeting in memory of the passing of Marilyn Burdick and Clarence Wittmeyer and a moment of silence was observed by all in attendance at 8:45 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

RESOLUTION 1993 - 25

At a Special Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 14th day of July, 1993 at 5:30 P.M. Daylight Savings Time, there were:

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
ABSENT:	Mark W. Flowers	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Boston does hereby authorize New York State Electric & Gas to install and maintain six 24700 Lumen (250 Watt) High Pressure Sodium Flood Lights on Two NYSEG poles and four poles installed and owned by the Town of Boston.

Seconded by Councilman Wittmeyer and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Absent

AYES: (4) NOES: (0) ABSENT: (1)

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

RESOLUTION 1993 - 26

At a Special Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 14th day of July, 1993 at 5:30 P.M.

PRESENT:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don G. Wohlhueter	Councilman

ABSENT:

Mark W. Flowers	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption;

As a result of a Public Hearing held at the Boston Town Hall on January 20th, 1993 relating to possible projects to be funded for 1993, and the availability of supplemental funding for acceptable projects, the Town Board of the Town of Boston offers the following resolution.

RESOLVED; that the town board submit the following project to be considered for funding under the Erie County Community Development Block Grant supplemental funding program.

SENIOR CITIZENS COMMUNITY ROOM AND EXPANSION:

The Installation of Commercial Kitchen Equipment in the expanded kitchen area and air conditioning in the existing community room and the expansion.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Boston authorize the Supervisor to sign, submit and execute any needed contracts for the Erie County Block Grant Program.

Seconded by Councilman Zimmerman and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Absent

AYES: (4) NOES: (0) ABSENT: (1)

David J. Shenk

David J. Shenk, Town Clerk

SPECIAL BOARD MEETING — TOWN HALL
JULY 14, 1993 — 5:30 P.M.

Present were Councilman Don A. Wohlhueter, David G. Zimmerman, Councilman Milton I. Wittmeyer. Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Councilman Mark W. Flowers
Superintendent of Highways Eugene E. Ruchalski

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the correction and adoption of the minutes of the June 16, 1993 Regular Board Meeting.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #7, dated July 14, 1993 in the amount of $ 281,996.67 be paid. Abs. Corrected Page 301, 331

four (4) Ayes — Carried

A Motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #7, dated July 14, 1993 in the amount of $ 28,393.23 be paid.

four (4) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to accept the correction of Highway Fund Abstract #6A dated June 16, 1993:

Voucher 202 - State Insurance Fund
From: D 5110.4 Cont To: D 9040.8

four (4) Ayes — Carried

Letter from Jack Quinn, Member of Congress providing the Town of Boston a list of Federal jobs currently available.

Supervisor Kennedy directed the Town Clerk to post this listing on the bulletin Board and any future listing received should also be posted for public review.

Letter from Ralph Marino, State Senate acknowledging receipt of Town of Boston Resolution 1993-21 received and on file in the Clerk's office.

Letter from Randy Myers, Re: NYSEG Lighting Proposal for Town Hall Lane, six (6) - 24,700 Lumen (250 Watt) High Pressure Sodium Flood Lights on two (2) NYSEG poles and four (4) poles installed and owned by the Town of Boston received and on file in the Clerk's office.

RESOLUTION 1993 - 25 TOWN PARK LANE LIGHTS

RESOLUTION 1993 - 26 COMMUNITY DEVELOPMENT SUPPLEMENTAL FUNDING

Letter from Dorothy Beaman, Project Care informing the Town of Boston of upcoming Meetings for National Eldercare Campaign to be held in the Southtowns. There will be a meeting at the Boston Town Hall on Tuesday July 27, 1993.

Councilman Wittmeyer commented that the Boston Seniors have been notified of Project Care.

DDH529

SPECIAL BOARD MEETING — TOWN HALL
JULY 14, 1993 — 5:30 P.M.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to grant permission to First Baptist Church c/o Emma Dusch to use the Boston Lions Shelter on July 17, 1993. Insurance Certificate on file in Clerk's office.

four (4) Ayes — Carried

RESOLUTION 1993 - 27 SERIAL BOND RESOLUTION - HIGHWAY TRUCK

RESOLUTION 1993 - 28 BOND ANTICIPATION NOTE - HIGHWAY TRUCK

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to adjourn the meeting at 5:40 P.M.

David J. Sherk
DAVID J. SHERK, TOWN CLERK

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1993-27

SERIAL BOND RESOLUTION DATED JULY 14, 1993

At a Special Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 14th day of July, 1993 at 5:30 o'clock in the evening Eastern Time there were:

Present:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
Absent:	Mark W. Flowers	Councilman

Supervisor Kennedy presented the following Resolution and moved its adoption:

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK AS FOLLOWS:

WHEREAS, the Town Board of the Town of Boston, New York, by a Resolution duly adopted on the 3rd day of March, 1993 and pursuant to General Municipal Law §103, duly accepted an offer and authorized the purchase of one (1) 1993 International truck and related attachments at a total cost of $74,397.00 and it is

provided that the sum of $4,397.00 of such cost was to be paid from existing funds in the Highway Budget, and the balance of $70,000.00 of such cost was to be paid from the proceeds of obligations to be issued, pursuant to the Local Finance Law.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the specific object and purpose for which the obligations are to be issued, pursuant to this Resolution, is to finance the cost of said highway truck.

SECTION 2. That the maximum estimated cost of such specific object or purpose is $74,397.00 and the plan for financing therefor is as follows:

a) By the issuance of separate Serial Bonds in the total amount of $70,000.00, consisting of five (5) separate Bonds, each in the amount of $14,000.00, hereby authorized to be issued pursuant to the Local Finance Law and this Resolution;

b) By allocation of $4,397.00 from the Highway Fund of the Town of Boston available therefor and appropriated for such purpose in the 1993 Budget of the Town of Boston.

SECTION 3. The following determinations are hereby made:

a) The period of probable usefulness of such vehicle is at least five (5) years;

b) The subdivision of Paragraph "A" of Local Finance Law §11.00 applicable in the circumstances is Subdivision "29":

c) The proposed maturity of the obligations authorized by this Resolution will not be in excess of five (5) years.

SECTION 4. That the Town of Boston, Erie County, New York, issue its serial bonds in the amount of $70,000.00 to finance such cost in accordance with the financial plan set forth above. Such bonds shall be dated approximately as of the date of adoption of this Resolution and the power to fix and determine the exact date of such bonds is hereby delegated to the Supervisor.

SECTION 5. That such bonds shall be numbered consecutively and shall be in the total amount of $70,000.00 and shall mature in numerical order in annual installments in the years and in the total amounts as follows:

$14,000.00	July 14, 1994
$14,000.00	July 14, 1995
$14,000.00	July 14, 1996
$14,000.00	July 14, 1997
$14,000.00	July 14, 1998

in such individual amounts to be determined; and said bonds shall be issued in bearer form without coupons and shall contain a power to convert to registered form in accordance with the applicable provisions of the Local Finance Law. The bonds shall bear interest at a rate not exceeding four percent (4%) per annum. Payments of such interest shall be evidenced by notation thereof on said bonds at the time of payment. The bonds shall be substantially in the form of the proposed bond which is attached hereto and made a part of this Resolution.

SECTION 6. That the Supervisor is hereby delegated the power to prepare such bonds and to sell such bonds at private sale at not less than par and accrued interest, and at such sale to fix the interest to be borne by such bonds within the limitations set forth in this Resolution. The Supervisor shall deliver such bond to the Purchaser thereof only against cash or a certified check. The proceeds of sale of the bond shall be deposited in a special bank account, as required by §165.00 of the Local Finance Law and the powers delegated to the Supervisor by this Resolution shall be exercised in conformity with the provisions of the Local Finance Law.

SECTION 7. That the faith and credit of the Town of Boston, Erie County, New York are hereby irrevocably pledged for the payment of principal and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in such Town, a tax sufficient to pay the principal of and interest on such bonds as the same shall become due and payable.

SECTION 8. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was seconded by **Councilman Wittmeyer** and duly put to a vote on roll call, subscribed by the members voting in affirmance thereof, which resulted as follows:

Supervisor Kennedy Voting Aye

Signature

Councilman Wittmeyer Voting Aye

Signature

Councilman Zimmerman Voting Aye

Signature

Councilman Wohlhueter Voting Aye

Signature

AYES: FOUR (4) NOES: NONE (0) ABSENT: ONE (1)

David J. Shenk-Town Clerk
Town of Boston

TOWN OF BOSTON

NEW YORK

RESOLUTION

NUMBER 1993-28

BOND ANTICIPATION NOTE RESOLUTION DATED JULY 14, 1993 FOR THE ISSUANCE AND SALE OF A BOND ANTICIPATION NOTE OF THE TOWN OF BOSTON, NEW YORK, IN ANTICIPATION OF THE SALE OF $70,000.00 SERIAL BONDS FOR THE PURCHASE OF, ONE (1) NEW 1993 INTERNATIONAL TRUCK

At a Special Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 14th day of July, 1993 at 5:30 o'clock in the evening Eastern Time there were :

Present:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
Absent:	Mark W. Flowers	Councilman

Supervisor Kennedy presented the following Resolution and moved its adoption:

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, ERIE COUNTY, NEW YORK, AS FOLLOWS:

SECTION 1. For the purpose of paying the cost of one (1) new 1993 International truck, accordance with proceedings heretofore taken by the Town Board of the Town of Boston, are

hereby authorized to be issued a $70,000.00 Bond Anticipation Note of said Town.

SECTION 2. Specific reference is hereby made to a Resolution entitled "Serial Bond Resolution Dated July 14, 1993", authorizing the issuance and sale of Serial Bonds of the Town of Boston, New York, which Resolution authorized the Bonds in anticipation of the sale of which the Note hereby authorized is to be issued.

SECTION 3. The amount of the Bonds to be issued for the aforesaid object or purpose is $70,000.00, and such bonds shall be Serial Bonds.

SECTION 4. The amount of the Bond Anticipation Note to be issued is $70,000.00. Such Note shall be dated July 14, 1993 and shall be numbered "No.1", and shall mature July 14, 1994, bearing interest at the rate not exceeding four percent (4%) per annum, payable at maturity. Such Note shall be signed by the Supervisor of said Town, and be attested by the Town Clerk of said Town, and both principal of and interest on said Note shall be payable in lawful money of the United States of America at the Boston Town Hall, 8500 Boston State Road, Boston, New York or such other address designated on said Note. Such Note shall be substantially the form as the copy of said Note hereto annexed.

SECTION 5. Said Note shall be payable from the proceeds derived from the sale of said Bonds or otherwise be redeemed in the manner provided by Section 23.00 of the Local Finance Law.

SECTION 6. The faith and credit of said Town are irrevocably pledged for the payment of said Note and interest thereon.

SECTION 7. There are no Bond Anticipation Notes outstanding which have been previously issued in anticipation of the sale of said Bonds. Neither is the Note, hereby authorized, a Renewal Note. The period of maturity of such Note is hereinabove set forth. Such Note is not issued in anticipation of Bonds for an assessable improvement.

SECTION 8. The Supervisor of the Town of Boston is hereby authorized to sell said Note at private sale at not less than par and accrued interest; and when said Note shall have been duly executed and sold, the same shall be delivered to the purchaser upon payment of the purchase price to the Supervisor and the receipt of the Supervisor shall be a full acquittance to said purchaser who shall not be obliged to see to the application of the purchase money.

SECTION 9. This resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was seconded by **Councilman Wittmeyer** and duly put to a vote on roll call, subscribed by the members voting in affirmance thereof, which resulted as follows:

Supervisor Kennedy	Voting Aye	Signature
Councilman Wittmeyer	Voting Aye	Signature
Councilman Zimmerman	Voting Aye	Signature
Councilman Wohlhueter	Voting Aye	Signature

AYES:FOUR(4) NOES:NONE(0) ABSENT:ONE(1)

David J. Shenk

David J. Shenk-Town Clerk
Town of Boston

REGULAR BOARD MEETING — TOWN HALL
JULY 21, 1993 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman Milton I. Wittmeyer, Councilman David G. Zimmerman, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept the correction and adoption of the minutes of the June 2, 1993 and July 14, 1993 Special Board Meetings.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #7A dated July 21, 1993 in the amount of $34,926.45 be paid.

five (5) Ayes — Carried

DDH529

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept the corrections of General Fund and Special District Abstract #6A dated June 16, 1993 as follows:

Voucher #425	BSN Sports	From: A7140.4	To: A7310.4
#426	BSN Sports	A7140.4	A7310.4

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to accept the correction of General Fund Abstract #7, dated July 14, 1993 as follows:

Voucher #459	Tri-R Cooling & Heating Inc		
	From: $942.22	To: $952.22	
#467	Aloha Leasing		
	From: $149.00	To: $149.58	
#475	Town of Concord (Picnic for Van Volunteers)		
	From: A6772.4	To: A8989.4	

General Fund Total:	From: $ 11,017.74	To: $ 11,028.32
Total Abstract:	From: $281,996.67	To: $282,007.25

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Wittmeyer that the Highway Bills on Abstract #7A dated July 21, 1993, in the amount of $3,421.12 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to accept the Town Clerk's Monthly Report for June 1993.

five (5) Ayes — Carried

Letter from Senator Dale Volker Re: Geographic Information System received and filed in the Clerk's Office.

Letter from Assemblyman Francis Pordum Re: Geographic Information System received and on file in the Clerk's Office.

Resolution received from the Town of Concord Re: Geographic Information System received and on file in the Clerk's Office.

REGULAR BOARD MEETING — TOWN HALL
JULY 21, 1993 — 7:30 P.M.

Supervisor Kennedy has recently been appointed by Supervisor Mill, President of the Association of Erie County Governments to participate in an inter-municipal committee that will be dealing with the Geographic Information System.

Letter from Patricia A. Sportelli, Regional Director Local Assessment Services Re: Annual Real Property System licensing fee, received and on file in the Clerk's Office.

Councilman Flowers as what the Dollar value of the licensing fee is?

William Kleis, Assessor responded that we pay an annual fee of four-hundred-fifty ($450.00) dollars. This is a considerable saving over what we use to pay the county.

Received from James P. Nolan, M.D., Pres. Erie County Board of Health a copy of a proposed amendment to the Erie County Sanitary Code. Public Hearing will be held July 28, 1993 at 3:30 P.M. in Room 904 of the Rath County Office Building, 95 Franklin Street, Buffalo, N.Y. received and on file in the Clerk's office.

Letter received from Erie County Legislature Frederick Marshall announcing Food Distribution to be held on Tuesday, August 3, 1993 at the Boston Town Hall from 9:00 A.M. until supplies are exhausted.

Letter received from Eugene F. Wardzinski, Engineer-in-Charge, NYSDOT Re: Contractors work schedule - week of July 26, 1993. West Hill Road and Tillen Road will be closed to thru traffic for the duration of this phase of the project. Pfarner Road will be open to thru traffic.

Supervisor Kennedy directed the Town Clerk to forward this letter to the Emergency Squad, the three (3) Fire Companies in town and the New York State Police so that they are aware of the construction status if any emergencies occur.

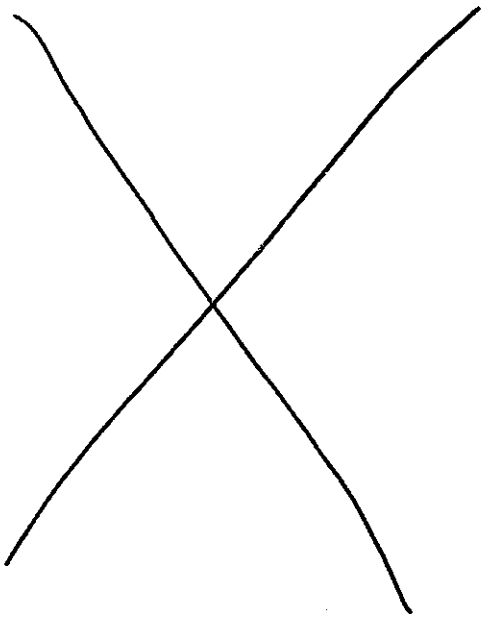
Letter received from Sharon West, Deputy Commissioner-Planning, Erie County Department of Environment and Planning Re: "Coordination of Local Planning with Agricultural Districts Program" on file in the Clerk's Office.

Supervisor Kennedy referred this letter to Town Attorney Perley for his review so that he can advise both the Planning Board and other agencies of the government that act on areas that might be included in agricultural districts.

At 7:45 P.M. a Public Hearing was held regarding the establishment of the Lango Road Extension #1 to Boston Water District #1. Town Clerk Shenk read the Legal Notice. Notices were sent to all the property owners of Lango Road which numbered seven (7).

Supervisor Kennedy convened the Public Hearing.

Supervisor Kennedy asked Town Attorney Perley to the process of Lango Road Extension #1.



REGULAR BOARD MEETING
JULY 21, 1993

TOWN HALL
7:30 P.M.

Town Attorney Perley presented a map of the area to those present defining the area included within the water district showing that a certain area of Lango Road which was outside of the water district. Advising that the town wanted to extend the line for the benefit of the Coakleys' and the Helmbrechts'. Indicating that specific authority was given from the Water Authority to extend this line as a six (6) inch line and not as an eight (8) inch line.

Agreements were entered into with all the owners in the district to extend the district to encompass the Taylor, Taylor-Roehling Property, the Mooney property, Helmbrecht and Coakley.

The agreements breakdown into four (4) separate agreements as follow:

1) Taylor and Taylor-Roehling agreement recites the fact that they have been paying taxes all along and as a result it was a determination of the Board that they should not be required to pay any money in order to tap in. They in fact, have been paying. (2 &3) with regards to Helmbrecht and Coakley the Town of Boston would accept title to a certain property for a turn-around as well as certain rights-of-way so that they could install the water line, in exchange for their portion of the extension of the water line. The Town of Boston will then reimburse the district Fair Market Value or an agreed upon amount in exchange. The district is going to pay for the waterline but the Town receives the benefit of the property. (4) Mr. Mooney entered into an agreement to pay a 25% share of the cost of the development of this property plus give the Town a right-of-way. Mr. Mooney's agreement calls for him to pay for it at any time when he taps in (this property is presently undeveloped) or since Mr. Mooney is a contractor, to make an appropriate reduction in the net amount due on a bill if, in fact, he is a successful bidder for the project to accomplish the same 25% contribution. All of those agreements are signed. The deeds that reflect the conveyance of the property have been held by Town Attorney Perley pending adoption of the resolution. The rights-of-way granted to the Town of Boston have been held in escrow and have all been executed. If

DDH529

PUBLIC NOTICE

Town of Boston
New York
Resolution
Number 1993-81
In the Matter of the Establishment of the Lango Road Extension #1 to Boston Water District #1 in the Town of Boston, Erie County, New York

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 15th day of June, 1993 at 7:30 o'clock in the evening Eastern Time there were:

Present:
Richard L. Kennedy Supervisor
Don A. Wohlhueter Councilman
Mark W. Flowers Councilman
Absent:
Milton I. Wittmeyer Councilman
David G. Zimmerman Councilman

Supervisor Kennedy presented the following Resolution and moved its adoption:

WHEREAS, a written Petition dated June 3, 1993, in due form, and containing the required signatures, has been presented to and filed with the Town Board of the Town of Boston, Erie County, New York, for the annexation of property, situate in the said Town of Boston, to Water District Number 1 in the said Town of Boston, to be bounded and described as herein below set forth and identified as Exhibit A which is annexed hereto and made a part hereof; and

WHEREAS, said improvements consist of the installation of four hundred thirty (430) linear feet of six inch (6") diameter pipe together with the necessary valves, hydrants and other appurtenances for service to all existing homes in the proposed extension as well as making service available to any additional homes built in the proposed extension; and

WHEREAS, the Petitioners have agreed to bear the expense of the installation of the required improvements in such amounts and in such manner as set forth in certain agreements executed by the Petitioners on June 3, 1993, which said Agreements have been filed with the Town Board of the Town of Boston together with the Petition, excluding from such expense the cost of purchasing, installing and maintaining a fire hydrant, if required, which said cost will be borne by the Town of Boston Fire Protection District, it is hereby

ORDERED, that a Public Hearing be held at a meeting of the Town Board of the said Town of Boston in the Town Hall thereof, 8500 Boston State Road, Boston, New York, on the 21st day of July, 1993, at 7:55 P.M. o'clock in the evening of said date, to consider said Petition and to hear all persons interested in the subject matter thereof, concerning the same and for such other action on the part of the said Town Board with relation to said Petition as may be required by law or proper in the premises, and it is further

ORDERED, that the Town Clerk publish a copy of this Resolution in the official newspaper of the Town of Boston as required by law.

Seconded by Councilman Wohlhueter and put to a vote which resulted as follows:
Supervisor Kennedy AYE
Councilman Wittmeyer Absent
Councilman Zimmerman Absent
Councilman Wohlhueter AYE
Councilman Flowers AYE
AYES: 3 NOES: 0 ABSENT: 2

David Slezak
Town Clerk

PUBLIC NOTICE

EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Boston, County of Erie and State of New York being part of Lots 2 and 56, Township 8, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

Beginning at the southeast corner of Farm Lot number 2 of the Holland Land Company's Survey, said point being the southwest corner of Farm Lot 56 of the said Holland Land Company's Survey; running thence west, along the south line of Lot 2, a distance of five hundred eighty-four feet (584) more or less to the westerly boundary of the Town of Boston Water District No. 1 as established by prior Resolution of the Town Board of the Town of Boston and running thence north, along the westerly boundary of said Water District No. 1, a distance of nine hundred thirty-one and seven tenths feet (931.7') to a point in the boundary of said Water District No. 1 wherein said boundary turns at right angles to the east; running thence easterly, and at right angles to the preceding course, initially along the boundary of Water District No. 1, and parallel to the south line of Lot 2, a distance of five hundred ninety-four and eighty-three one-hundredths feet (594.83') more or less to the easterly line of Lot 2, also being the westerly line of Farm Lot 56 and continuing along the said course an additional distance of two hundred feet (200.0') to a point; running thence southerly and parallel to the east line of Lot 2 (also being the west line of Lot 56) a distance of nine hundred thirty-one and seven tenths feet (931.7') more or less to the south line of Lot 56; running thence west along the south line of Lot 56 a distance of two hundred feet (200.0') more or less to the southwest corner of Lot 56, said point also being the southeast corner of Lot 2 and further being the point and place of beginning.

Dated: June 16, 1993

By Order of the Town Board
Town of Boston
David J. Slezak
Town Clerk

Published: June 18, 1993

REGULAR BOARD MEETING TOWN HALL
JULY 21, 1993 7:30 P.M.

this resolution is passed the deeds and the rights-of-way will be filed and the project will be let for construction. The petition recites that the agreements which define these contributions are the final documents to define those contributions. We will not ask any of the property owners for any additional contribution for the extension of the line other than what has been recited in the agreements. However, they will then become members of the district subject to all the district taxes and subject to all the usage fees from the Erie County Water Authority.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the Public Hearing on the Lango Road Water Extension #1 Water District #1 at 8:00 P.M.

five (5) Ayes Carried

RESOLUTION 1993-29 LANGO ROAD WATER EXTENSION #1 WATER DISTRICT #1

At 8:00 P.M. a Public Hearing was held regarding the Rezoning of the property at 7825 Back Creek Road which is currently zone Single-family Residential (R-2) to Industrial Park Research and Development District (M-1). Town Clerk Shenk read the Legal Notice a Letter of Intent for Rezoning and a Letter from Greg and Julie Dake describing the on site activities and also a letter describing the relationship between Robert Evans and Greg Dake. Notices were sent to thirty-one (31) property owners in the area and a Commercial Zoning Application Pending sign was placed on the property.

Supervisor Kennedy convened the Public Hearing.

Dolores Seufert, 7566 Back Creek Rd.: This is a residential area a while ago you changed a residential area to business. I have been at peoples houses when the saws have been in use and the noise is absolutely terrible. The logs are delivered on big trucks. If you went and changed his then other business people in the area should have the same. There is plenty of property outside of Boston if you want to have a saw mill. I'm not against anybody making a living, but I don't see why Back Creek Road should be a business area. It never was intended for that. I am against zoning and I hope that you people in office are not going to change Back Creek Road and make a business out of it. It is really a residential area. Thank you.

Edward Craver, 5972 Old Orchard Drive: This is a residential area. We moved out to Boston because it was nice and peaceful. I'm totally against a chain-saw buzzing all day long. I noticed that when it started that it got a lot noisier, there are big trucks up and down the road. I am totally against this.

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1993-29

**IN THE MATTER OF THE ESTABLISHMENT
OF THE
LANGO ROAD EXTENSION #1
TO
BOSTON WATER DISTRICT #1
IN THE
TOWN OF BOSTON, ERIE COUNTY, NEW YORK**

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 21st day of July, 1993 at 7:30 o'clock in the evening Eastern Time there were:

Present:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Absent:

Supervisor Kennedy presented the following Resolution and moved its adoption:

WHEREAS, a written Petition dated June 3, 1993 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Boston, Erie County, New York, for the annexation of property situate in the said Town of Boston to Water District No. 1 in the said Town of Boston, to be bounded and described as identified on Exhibit A, attatched hereto and made a part hereof; and

WHEREAS, Petitioners have agreed to bear their proportionate share of the cost of extending the water line to serve the annexed property including all engineering fees and an allowance for the services provided by the salaried Town Employees, excluding from such expense the cost of purchasing, installing and

maintaining a fire hydrant, if required, which said cost will be borne by the Town of Boston Fire Protection District; and

WHEREAS, the proportionate share to each Petitioner and the manner of payment of said cost is contained in certain Agreements executed by and among each Petitioner, the Town of Boston, New York and Water District No. 1 of the Town of Boston, which said agreements are dated June 3, 1993 and filed with the Town Board; and

WHEREAS, the engineering firm of Nussbaumer & Clarke, Inc. has prepared plans, specifications and cost estimates for the extension of the water line to serve the annexed property; and

WHEREAS, the Town Board of the Town of Boston duly adopted an Order reciting the filing of said Petition, the improvements proposed, the boundaries of said extension to Water District No. 1, specifying July 21, 1993 at 7:45 P.M. in the evening of said date in the Boston Town Hall as the place where said Board would hear all persons interested in the subject thereof and concerning the same; and

WHEREAS, a Public Hearing was held in the Town Hall of the Town of Boston, 8500 Boston State Road, on the 21st day of July, at 7:45 P.M. to consider said Petition and to hear all persons interested in the subject thereof and all persons interested were heard.

NOW THEREFORE, BE IT RESOLVED,

That the Town of Boston herein determines by this Resolution:

1. That the Notice of Hearing was published and posted as required by law and is otherwise sufficient; and

2. That the property and property owners within the proposed extension are benefitted thereby; and

3. That all the property owners benefitted are included within the limits of the proposed District extension; and

4. That the extension of Water District No. 1 is in the public's interest; and

5. That the Petition is signed, acknowledged or proved as provided by law and is otherwise sufficient; and

BE IT FURTHER RESOLVED, that the extension to Water District No. 1 as proposed in said Petition be approved and constructed and service provided in accordance with this Resolution, and that such extension shall be designated and known as Water District No. 1 of the Town of Boston - Lango Road Extension #1; and

BE IT FURTHER RESOLVED, that the property described on Exhibit A, attached hereto and made a part hereof, be and the same is hereby annexed to @Water District No. 1 of the Town of Boston under the name of and title "Water District No. 1 of the Town of Boston - Lango Extension #1"; and

BE IT FURTHER RESOLVED, that the proportionate share of the cost of preparing the Plans and Specifications, and in constructing and installing water service to the property included within the above-described extension, including an allowance to the Town of Boston for the services of the Town Attorney in connection with this application, shall be borne by the owners thereof as set forth in their Petition and as further set forth in the separate agreements dated June 3, 1993, by and among each Petitioner, the Town of Boston New York and Water District No. 1 of the Town of Boston; and

BE IT FURTHER RESOLVED, that the cost of purchasing, installing and maintaining of the fire hydrant to serve the annexed property shall be borne by the Town of Boston Fire Protection District; and

BE IT FURTHER RESOLVED, That the annexation of the property, described on the attached Exhibit A, be and the same is subject to a Permissive Referendum as provided by law; and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Boston shall, within ten (10) days after adoption of this Resolution, file Certified Copies thereof , in duplicate at the New York State Department of Audit and Control in Albany, New York.

Seconded by **Councilman Wittmeyer** and put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES:Five(5) **NOES:None(0)** **ABSENT:None(0)**

David J. Shenk

David J. Shenk-Town Clerk

REGULAR BOARD MEETING
JULY 21, 1993

TOWN HALL
7:30 P.M.

George Novak, 7728 Back Creek Road: I am against the change in the zoning. Back Creek Road was originally R-1, residential area. I bought under those pretenses and have lived there for thirty-five (35) years very happily. I am against changing the ordinance, because it would depreciate property, and that would cost us money. If a variance is given the noise will increase. Most importantly, it will affect the safety. If you are going to change the ordinance than you should change the entire road of Back Creek. I am sure that an operation such as this could be done at another location where there is ordinances past for commercial areas. The neighborhood values, safety and noise levels, I think this should be denied. Thank You.

John Pavlovic, 5571 John's Terrace: I am mostly concerned with safety. Has anyone looked at the shoulder of the road a quarter mile each way in regards to the Dake residence? In some places the shoulder of the road is about eighteen (18") inches wide. My concern is that I have young children that are going from Old Orchard Drive to the Playground and the other way to the Town Hall. Has anyone looked at the width of the logging trucks? Does anyone know the weight of a truck coming in with a full load of logs? That would be my concern. Back Creek Road you can't pass from one side to the other. I have a strong concern for my children riding bicycles with these logging trucks. It is not inconceivable that something could happen with these logs. I am glad to see that the property has been cleaned up and that was one of my concerns also. I hope that somebody would look at the safety aspect of this. I would like to go on record as not in favor. Thank you.

Ceil Novak, 7728 Back Creek Road: I would like to go on record as not in favor.

Supervisor Kennedy: The Board had made no recommendations to Mr. Dake prior to this hearing. We are concerned that this would constitute spot zoning. Therefore, we are apprehensive and we have come here tonight to hear your comments also.

DDH529

PUBLIC NOTICE

Town of Boston

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, State of New York, will hold a Public Hearing on the 21st day of July, 1993 at 8 P.M. Eastern Daylight Savings Time at the Boston Town Hall, 8500 Boston State Road, Boston, New York, to rezone the following described property which is currently zoned Single-Family Residence District (R-2) to Industrial Park Research And Development District (M-1) under the Zoning Law of the Town of Boston (Local Law #6-1990 as amended), said property being described as follows:

All that tract or parcel of land, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 21, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the center of the Back Creek Road at its intersection with the south line of land conveyed by Lloyd Zimmerman and Natalie, his wife, to Nelson Endres by Deed dated December 7, 1933 and recorded in Erie County Clerk's Office in Liber 2301 of Deeds page 442 December 15, 1933: Running thence easterly parallel with and distant four hundred twenty-three and seventy-three hundredths (423.73) feet southerly at right angles from the north line of Lot No. 21 about four hundred eighty-five (485) feet to the center of the Eighteen Mile Creek: Thence up said Creek along its center line to a point where a line drawn from a point in the center of said Road distant one hundred eleven and sixty-five hundredths (111.65) feet southeasterly from the point of beginning and passing through a point distant one hundred thirty-nine (139) feet southerly at right angles from an iron pipe in the first mentioned boundary, distant four hundred fifty-nine and six tenths (459.6) feet easterly from the center line of said Road intersects the center of said Creek: Thence westerly along above described line about one thousand (1000) feet to the center of said Road: Thence northwesterly along the center of said Road, one hundred eleven and sixty-five hundredths (111.65) feet to the point of beginning.

All that tract or parcel of land, situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 21, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in a line drawn easterly from a point in the center of the Back Creek Road, distant one hundred eleven and sixty-five hundredths (111.65) feet southeasterly from the southwest corner of land conveyed by Lloyd Zimmerman and wife to Nelson Endres by Deed dated December 7, 1933 and recorded in Erie County Clerk's Office in Liber 2301 of Deeds page 449, said line passing through a point distant one hundred thirty-nine (139) feet southerly at right angles from an iron pipe in the southerly line of land so conveyed, said pipe being four hundred fifty-nine and six tenths (459.6) feet easterly from the center of said Road, said point of beginning being one hundred thirty-two and two tenths (132.2) feet easterly from the center of said Road measured along above described line: Thence easterly along above described line and said line continued easterly about eight hundred sixty-eight (868) feet to the center of the Eighteen Mile Creek: Thence up the center line of said Creek to a point where the fence line outlining the southerly line of lands conveyed to Lloyd Zimmerman and wife by Deed dated May 19, 1928 and recorded in Erie County Clerk's Office in Liber 2007 of Deeds page 156 near the Back Creek Road, if extended would intersect the center of said Creek: Thence south 88° west (magnetic bearing April 1935) and along the continuation of said fence line about seven hundred ninety (790) feet to a point distant one hundred sixty-two and four tenths (162.4) feet easterly from the center of said Back Creek Road, measured along said fence line and a line which would be its continuation: Thence northwesterly and about along a ditch, being the easterly boundary of land conveyed by a Lloyd Zimmerman to Walter Morton by Deed dated October 15, 1935 and recorded in Erie County Clerk's Office in Liber 2484 of Deeds page 343 and Liber 2500 of Deeds page 322, about two hundred forty and two tenths (240.2) feet to the point of beginning.

At the hearing, at the time above noted, all interested parties will be heard for or against said petition.

Dated: July 8, 1993
Published: July 9, 1993

By Order of the Town Board
David J. Shenk
Town Clerk

PUBLIC NOTICE

Peter Schreier, 7643 Back Creek Road: I have concerns about the rezoning and questions that I hope can be answered. Mr. Dake is this a two (2) person operation or do you have other employees on site who are helping to split and cut wood?

Greg Dake, 7825 Back Creek Road: This is a two (2) person operation

Peter Schreier: Town Board, after reading the recommendation from the Planning Board on of which was a two (2) year limit, if this is approved what happens after the two (2) year limit, will it be automatically renewed, up for review or how is that handled?

Supervisor Kennedy: When the Planning Board made their recommendation they were under the impression that you could grant a "Special Use Permit" established under certain conditions and they listed the conditions that thought would be imposed if in fact this operation were to continue. It was the consensus of the Town Attorney after receipt of this letter from the Planning Board that "Special Use Permits" are only utilized in the Town of Boston for certain applied applications. We returned this application to the Planning Board indicating that it was our understanding from consultations with Legal Council that it did not come under the framework of a "Special Use Permit" and the only way that this operation could continue was if the property were rezoned.

Peter Schreier: If it is rezoned there will be no time limitation on this?

Supervisor Kennedy: No there would not be. And it covers a multitude of other operations also that would be included under this M-1 zoning.

Peter Schreier: I certainly have empathy for the Dake's based on the economic situation from 1987, is there a time limit where you can foresee that you will have repurchased the property and then ceased this extended operation?

Greg Dake: That will be fourteen (14) years from now.

Peter Schreier: In the environmental assessment I read that you already have a D.E.C. permit for graveling in eighteen mile creek. To what extent does this affect the lumbering or for what purpose is that permit?

Greg Dake: That permit allows me to when I wish to take gravel from the creek bed. We don't use it very often. That has nothing to do with this.

Peter Schreier: In the last couple of weeks I have looked around Boston and agree with some of my neighbors that there are other properties in commercial zoning that are available for sale in the Town of Boston. Living in a residential area I have concerns for the safety of the neighborhood and the children. It is a jogging path, bicycle and walking path for kids. There is a huge impact of pedestrians on that road because of the playgrounds and the nature of it being an off commercial type of use. I have great concern of someone being injured. Finally, I have fear that if you make an exception you are opening up a pandoras' box and I worry about that.
My recommendation would be that the Dake's continue the business, but in a zoned area that would allow it and not to expose the Town of Boston to continue their open zoning changes. Thank you.

Ceil Novak: I am mainly concerned about the safety factors. I would like to ask the Town Clerk how many people received notices?

Town Clerk Shenk: Thirty-one (31).

Ceil Novak: Are those the total number of people living on Back Creek Road or are you restricted just to sending a certain number of notices out? Because we did not receive a notice and a lot of our neighbors around us did not receive notices.

Town Clerk Shenk: I you would like after the Public Hearing I would be more than happy to show you the assessors maps that I used and the law that I used that guided me through determining which properties needed to be notified.

Ceil Novak: I would like to ask each one of the Town Board Members how they would like to have these trucks rolling up and down the road after they had been living in a residential area for thirty-some years? I have empathy for the Dake's and also feel that there are other places in town and the safety of our children and citizens should be our prime concern here. Don't let these trucks roll up and down Back Creek Road, please. Just come over and view it a few days out of the week and see what is happening. Now it is down it is not bad now but when it is rolling full blast it was going. Thank you.

DLH529

Councilman Flowers: Mr & Mrs Dake could you arrange a schedule of delivery for your logs or product that would come in at an off peak time?

Greg Dake: They are all scheduled. I will take exception to noise and trucks. I don't think you people know how many trucks passed down that road this year for me. There are other people south of me that get deliveries. Logging trucks go through DOT inspection stations every time they come. They always come from the north. So far this year on Back Creek Road there have been seventeen (17) trucks for me. I am not the only person in my area that has a chain saw. I use a chain saw about two (2) hours a day and that is at intermittent sessions. My processor has the same engine as a pickup truck, it will hum but it won't scream. The men that drive these log trucks are not going to hurt your children. They are professionals, the logs are chained, they drive slow. I have not had sixteen (16) loads per week. I would like to talk with anybody here one on one with what we are doing. Noise or volume of truck traffic.

These men work from eight in the morning until four in the afternoon, Monday thru Friday. Yes, I could try. I would have to talk with the owners of the companies.

Councilman Flowers: Do you know of any problems that your delivery trucks have ever had on Back Creek Road?

Greg Dake: No.

Councilman Wohlhueter: I believe that Mr. Dake has an option however, he is asking for an M-1 zoning. This is spot zoning. Right now it is zoned residential which it should stay because in an M-1 rezoning if the Dake's were to move and someone else went in there they could put any of the operations in that are stated in the zoning ordinance. There is another alternative and the Town Attorney can verify this. If this zoning is denied it could go to the Zoning Board of Appeals and apply for an economic hardship variance. If this was granted by the Zoning Board of Appeals, I believe they have jurisdiction over the Town Board and this variance would only apply to this particular operation.

Town Attorney Perley: Under the Town Law of the State of New York if this zoning is turned down tonight the Dake's have a couple of options. They can sue the Town Board of the Town of Boston, under article 78 of the CPLR, they can apply to the Zoning Board of Appeals for a variance on the basis of an economic hardship, or discontinue the business.

REGULAR BOARD MEETING — TOWN HALL
JULY 21, 1993 — 7:30 P.M.

Donna Bloom, 7810 Back Creek Road: I have to apologize to the Dake's because I understand where you want to make a living on your own property. We moved to this location last year in May thinking we were safe. We have three young girls ages two to nine. The noise factor hasn't been a real factor in my case as I work and am not home during most of the day. What concerns me is the safety of the trucks going up and down Back Creek Road. I am opposed to this rezoning.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the Public Hearing on the Rezoning of the Dake property at 7825 Back Creek Road at 8:37 P.M.

five (5) Ayes — Carried

Supervisor Kennedy commented that he feels very strongly that the area should remain residential and is of mind to vote against the rezoning application.

Councilman Wittmeyer commented that he is Chairman of the Traffic Safety Committee and has worked with the Back Creek people for a number of years and understands the safety awareness of the people who live there. Personally he could not vote for a rezoning to put a piece of commercial property in this residential area. There might be other ways that Mr. Dake can continue his operation with some type of variance, but to rezone he could not vote for a rezoning.

Councilman Zimmerman commented that he would like to echo Councilman Wittmeyer comments and at this time could not vote for a rezoning.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to deny the application for the rezoning of the Dake property at 7825 Back Reek Road from Single-Family Residential District (R-2) to Industrial Park Research and Development District (M-1).

five (5) Ayes — Carried

REQUESTS FROM THE FLOOR

Ronald Yormick, 6405 Deanna Drive: I would like some information regarding the northwest spur of Deanna Drive. I would like to know if that is a town highway or not?

Supervisor Kennedy: There will be some written correspondence read into the agenda at a later time. At that time we will discuss that particular aspect also.

Code Enforcement Officer Dennis Kramer: I have been asked for an update from the people of Lower East Hill Road as to the status of the road.

Supervisor Kennedy: When I spoke with representatives downtown they indicated that Frontier Asphalt was the low bidder on that contract. Frontier Asphalt is not a union contractor. They were substantially below the second lowest bidder. In fact, almost a quarter of a million dollars or better lower than the second bidder. There were some omissions in their bid documents and so the second lowest bidder challenged Frontier Asphalt in the court. The Judge ruled on that challenge and said that the Commissioner of Highways of the County of Erie has the right to grant the bid to Frontier, if it felt it was in the best interest of the county and the best interest of the county's taxpayers if he did in fact provide the documents. Mr. Gugino has been trying to get in touch with Legislator Fitzpatrick. Mr. Fitzpatrick is the chairman of the Economic Development Committee in the County Legislature and before that can go to a full vote of the County Legislators, it has

to be released to the floor for a vote. I know myself the allegiances that Mr. Fitzpatrick has with the union, and I am suspect. After the expiration of a forty-five day period then this bidder can no longer be held to the contract bid. I have called our Legislator Fred Marshall and asked him to talk to Fitzpatrick or the Legislators and make sure that this is released from the committee. We are still going to try and get in touch with Mr. Fitzpatrick. I talked to Marilyn Calhoun who is meeting tomorrow morning with Mr. Gugino and she assured me that she is going to do everything she can to contact Mr. Fitzpatrick.

Councilman Flowers: I feel a little bit different on that one because now you are taking a pot-shot at the unions, and I am a union man.

Supervisor Kennedy: I am taking a pot-shot at Legislator Fitzpatrick for not releasing that from the Economic Development Committee and I will continue to take those pot-shots.

DDH529

Letter received from Peter C. Ruh, All-County Taxpayers Association Re: Court of Appeals decision in Schulz v State of New York on file in the Clerk's Office.

Received from Helm, Shapiro, Anito & McCale, P.C. a "Notice" of a Lawsuit against the State Board of Equalization and Assessment as filed by National Fuel Gas on file in the Clerk's Office.

Letter received from Adelphia Cable advising of several policy changes being made by Adelphia as a result of "the Cable Act", on file in the Clerk's Office.

Letter received from Adelphia Cable, some broadcast stations may insist on charging for the right to carry their programming on our cable system. It is our intent to resist paying such fees. We hope to reach a satisfactory agreement with every station in our area. However, if negotiations prove unsuccessful with any particular station, we will have no other choice than to delete that station from our channel lineup. This letter is on file in the Clerk's office.

Supervisor Kennedy asked Town Attorney Perley to draft a letter to Mr. Sprague, owner of the Sprague Mobile Home Park advising of a small mobile home in his Mobile Home Park that is in violation of the New York State Building Code on Mobile Homes. This is a very small unit that does not comply with the existing laws and was brought into the park after the existing laws were in effect.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to extend the 1993 Temporary Mobile Home Park License for Sprague Mobile Home Park owned by William Sprague until August 18, 1993, at which time the Town Board will review this application to see if Mr. Sprague has complied. If he hasn't the Board will have to take the necessary action for him to operate without a license.

five (5) Ayes Carried

Received a copy of a follow-up letter to a Complaint letter dated April 13, 1993, addressed to Mr. Sprague from Leo Molenda, Sprague Mobile Home Park Lot #12.

Supervisor Kennedy commented that he had also followed up on a call that the Town Clerk received of problems within the park some of which we don't have jurisdiction over. They are complaints that the individual has with the park operator. The Supervisor will bring this to the attention of Mr. Sprague.

REGULAR BOARD MEETING TOWN HALL
JULY 21, 1993 7:30 P.M.

Letter received from John P. Falkides, Owner of the Boston Hills Estates Mobile Home Park regarding the Annual Inspection of Boston Hills Homes & Estates, on file in the Town Clerk's office.

Supervisor Kennedy commented that he and Code Enforcement Officer Kramer met with Mr. Bell and a reinspection of the Park was done. At that time the five (5) items originally cited in the original letter to Mr. Falkides. Three of those items were taken care of already. Mr. Bell advised us that the women whose stairway was defective had some financial difficulties and that it would be completed at a later date. We said that we had no problem with that. However, we still expected Mr. Falkides to adhere to his promise of March of this year, when he said that he was going to close the north roadway. This was made very clear to Mr. Bell. I didn't think it was necessary to write to Mr. Falkides and tell him that these were the two (2) items that he did not correct of the five (5) items that were originally proposed to him. Mr. Falkides has made at least three (3) statements two (2) at Town Board Meetings that he has no problem closing that road and yet it is still not closed. At a meeting held in the Planning Board Room you told us that, that is no problem we will provide you with a new mapping of the new court and we will provide you with a closure of the road, that's no problem. We have given you from March 1993 until today and there has been no action on the closure of that road which was not part of the original Site Plan.

Katherine Falkides: Does our license in anyway correspond with the need to block off the road?

Supervisor Kennedy: It is the exit from the existing park and it was suppose to be tied into the exit from the new park so that there are not two (2) driveways within one hundred (100') feet of each other. To make it safer for people exiting out onto the highway through one exit rather than having two (2) exits so close together. Yes. It is part of the same park.

Katherine Falkides: Your saying that this is tied to the license.

Supervisor Kennedy: Yes, it is tied to the license.

Katherine Falkides: As far as the road is concerned we requested permission to leave the road open. We wrote a letter to the Town Board as you know because we feel it is a frivolous thing to close that road off. It presents and inconvenience and safety hazard for some of the people in the old park. You denied it, and we finally said that we would close off the road. I believe that was in March. Since that time Mr. Decker (Contractor) has been looking for the appropriate guard rails and we met with underground utility people. At this point, if you are ordering us to close our road we will do so. Although, we are not in agreement with this.

Councilman Flowers: We did in the past ask you to close the road as a provision to do something else in the new park also.

John Falkides: Give me a letter ordering me to close that road and I'll do it.

Supervisor Kennedy: The Planning Board reviewed the Plot Plan as it was given to them and it required the closure of that road with the access road to the highway as only being one (1).

Councilman Wittmeyer: In March we had a letter from the County outlining what procedure we had to take if we wanted to keep it open and there were things that had to be done. I asked you at that meeting what you wanted to do and you said, I'll close the road. At that point in time I felt the road would be closed.

John Falkides: Order me to close the road and I'll close the road.

REGULAR BOARD MEETING — TOWN HALL
JULY 21, 1993 — 7:30 P.M.

Supervisor Kennedy: Directed the Town Attorney to issue a letter indicating that your present roadway does not comply with the Plot Plan that you submitted to the Town Board and consequentiy, the road will have to be closed, because that was not the Plot Plan submitted to the Town Board and approved by the Planning Board.

A motion was made by Councilman Flowers and seconded by Councilman Wohlhueter to extend the 1993 Temporary Mobile Home Park License for Boston Hills Estates owned by John & Katherine Falkides until August 18, 1993, at which time the Code Enforcement will be directed to reinspect the premises to see if the road in fact has been closed. If the road has not been closed the Town Board will take whatever appropriate action necessary for you to be operating without a license.

five (5) Ayes — Carried

Letter received from owners of the Boston Hills Estates, dated July 2, 1993, in response to a letter written by Town Attorney Perley on June 23, 1993, regarding Deanna Drive "spur", on file in the Town Clerks office.

Town Attorney Perley commented when we inspected the park for the first time Mr. Falkides indicated that he was going to put a fence up along the spur area at Deanna Drive. He also maintained to Town Attorney Perley that the title to the land was clear, and that his documents clearly showed that he had title. Town Attorney Perley responded that he would ask Mr. Falkides to consider that there are more ways than by deed that a town acquires a road. The next thing, there was a section of fencing up along the spur right-of-way. After investigating the files and a copy of the subdivision map. After talking with the Highway Superintendent was informed by him that he has paved that road, plowed that road and repaved that road for a period of twenty (20) years. A letter was written to Mr. Falkides to put him on notice that any attempt to exercise property rights over that property would be considered an interference with the Town Highway. After talking with Supervisor Kennedy, Highway Superintendent Ruchalski and some of the residents that the town has a vested interest in maintaining its public roads system for the benefit of its residence. There may be some description errors in Mr. Falkides deed by which he took title. It is the Town Attorneys opinion after reviewing the deed, the subdivision map cover and the related documents that he has in his possession that the town acquired title. Even if they didn't the town has exercised sufficient jurisdiction over that road for the past twenty (20) years to have acquired it as a town highway in any event. Since receiving Mr. Falkides letter I have forwarded the documents that I relied on to the Title Insurance Company. I am confident that the towns position will be upheld.

Ronald Yormick, 6405 Deanna Drive: Are we allowed to use this spur should I forbid my children to go on this land, what is going on?

Supervisor Kennedy: It is the opinion of the Town Attorney that the Town owns that roadway. If in fact, it is blocked-off or you are denied entry into that, then we will have to take what ever appropriate legal action is necessary.

Kay Falkides: As far as I'm concerned our deed and paperwork that concerns this land does indicate that we have title. This will have to be resolved in a legal manner. In the meantime

Lorinda Koczur, 6390 Deanna Drive: Our driveway is basically on this spur of Deanna Drive. Upon purchasing our home in May of 1992 we received countless letters from the Town of Boston. From Mr. Clarence Kreitzbender dated 1978 and from Mr. Charles Maxwell who was the Town Attorney, indicating that this was indeed a Town Highway, was maintained and will continue to be maintained by the Town of Boston.

DDH529

REGULAR BOARD MEETING TOWN HALL
JULY 21, 1993 7:30 P.M.

John Marron: I am the person that sold the Koczur's that property, we purchased the house from John Sadovy. When we purchased the house those are the letters that were given us at the time.

Supervisor Kennedy asked that those letters be given to the Town Attorney for his file.

RESOLUTION 1993 - 30 PURSUE LEGAL CLAIM ACTION TO DEANNA DRIVE SPUR

Ronald Yormick: Would it be possible for the residents of Deanna Drive to be kept up on this situation.

Supervisor Kennedy: Absolutely. Any correspondence that relate to proper ownership of the roadway I will certainly make sure that they are conveyed to you.

Kenneth Koczur, 6390 Deanna Drive: Can we get the holes that are left from the fence filled in so that none of the little children on the street can fall in a break their leg.

Town Attorney Perley: We can ask the Highway Department can fill in the holes where the fence posts were.

Supervisor Kennedy: Will direct the Highway Superintendent to fill the fence post holes tomorrow.

Letter received from Marian Schiralli, 6410 Deanna Drive, reiterating a conversation between her and John Falkides on June 19, 1993, in which Mr. Falkides made some rather negative remarks about the Town of Boston and its people, on file in the Town Clerk's office.

John Falkides: In response to Ms. Schiralli's letter, My wife and I have invested in this town well over one million ($1,000,000) dollars. Do you really think that we want anything bad to happen to this town?

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve the change order for the Ambulance Garage from Feddington-Allen, Inc. for putting curbing, a ramp and the necessary handrails that are needed for handicap accessibility. We have deleted the landscaping and are going to do that with our own force. The change order is three thousand, twenty-five ($3,025.00).

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to approve the deletions, additions and changes of staffing for the Boston Summer Recreation Program as recommended by Gerald O'Brien, Recreation Director as follows:

Delete:

Jennifer Staub	- Arts & Crafts Supervisor	$5.85 /hr.
Rachel Was	- Recreation Attendant	
Kathy Bermingham	- Recreation Attendant	

Add:

Kristen Kummer	- Recreation Attendant	$4.25 /hr.

Change:

Melissa Wilson	- Recreation Attendant to Arts & Crafts Supervisor	$5.85 /hr

TOWN OF BOSTON

RESOLUTION 1993 - 30

AUTHORIZE TOWN ATTORNEY MICHAEL F. PERLEY TO PURSUE LEGAL CLAIM ACTION TO DEANNA DRIVE SPUR

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 21st day of July 1993 at 7:30 P.M. Eastern Daylight Savings Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark M. Flowers	Councilman

The following resolution was offered by Supervisor Kennedy who moved its adoption:

BE IT RESOLVED, that Town Attorney Perley be directed to pursue whatever course of action is necessary to claim Legal Title to a roadway which the Town Board feels is proper property of the Town of Boston.

BE IT FURTHER RESOLVED, that this roadway known as a spur on Deanna Drive has been maintained and used by the Town of Boston for over 20 years.

Seconded by Councilman Zimmerman and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING
JULY 21, 1993

TOWN HALL
7:30 P.M.

Damian Wiktor - Recreation Supervisor

Salary

From: $2,200 To: $2,400

five (5) Ayes Carried

Letter received from Chamber of Commerce Economic Development Committee regarding the hiring of a Town Planner referred to the Planning Board.

Letter of resignation received from Joan Zelasko, Chairman of Conservation Advisory Council on file in the Clerk's office.

Supervisor Kennedy directed Town Clerk Shenk to draft a letter to Joan Zelasko expressing the Town Board's appreciation for her years of dedication and commitment to this board.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to approve a permit to Weller Home Corp. to cut open a portion of the shoulder on side of premises located on the north side of Meadow Drive.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to submit Charlap's Dairy Building Permit to the Planning Board.

five (5) Ayes Carried

Complaint letter received from Evelyn Woodring, 7799 Boston-Colden Road, regarding a notice she received from the Town Recreation Department, announcing a Series of Summer Concerts in the Park '93 under the aegis of the Boston Republican Committee. Such an action gives the appearance of partisan political activity to what must be a non-partisan governmental function.

Supervisor Kennedy as Chief Fiscal Officer, there is nothing I can do to prohibit anyone from reproducing anything within this community and mailing it out at their own expense.

Evelyn Woodring: Mr. Kennedy are you a member of the Boston Republican Committee?

Supervisor Kennedy: I am not a member of the committee.

Evelyn Woodring: Are there members of the Boston Republican Committee present in this room?

Supervisor Kennedy: Councilman Wohlhueter is.

Evelyn Woodring: Then Mr. Wohlhueter is one of those who I hold responsible for this. This was not properly presented. It was presented in a partisan manner.

Supervisor Kennedy: Mrs. Woodring, members of this Board, myself included did not authorize this flier to be reproduced and sent out.

Councilman Wohlhueter who serves on the Republican Committee responded that he did question this mailer with other members of the committee at the time. However, he does not see any problem with this. He also stated that it is difficult to get people to come to the concerts and feels that it was sent in the interest of getting more people to attend concerts. Maybe the letter should have been sent to everybody in town.

DDH529

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1993-31

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 21st day of July, 1993 at 7:30 o'clock in the evening Eastern Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Milton I. Wittmeyer	**Councilman**
	David G. Zimmerman	**Councilman**
	Don A. Wohlhueter	**Councilman**
	Mark W. Flowers	**Councilman**

Absent:

Supervisor Kennedy presented the following Resolution and moved its adoption:

BE IT RESOLVED that the Town of Boston purchase the property designated as a private road (sometimes known as "Lower Crestwood Circle") from the Ulinger family for the sum of $1500 with the Town of Boston to pay for the preparation of a search and survey of the property and to pay all filing fees. Said purchase to be of fee title, subject to Easements and Rights-of- way of record, and

BE IT FURTHER RESOLVED that the Supervisor be and he is hereby authorized to execute any and all documents necessary to complete this transaction.

Seconded by **Councilman Flowers** and put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES:FIVE(5) NOES:NONE(0) ABSENT:NONE(0)

David J. Shenk-Town Clerk

that salary following the misprint in the newspaper. The agreed upon figure for rental was one thousand ($1,000.00) dollars. In order to accommodate the change in the salary and leave the Town Clerk in an equal position to where he was the Board agreed to make this amount eight hundred ($800.00).

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant Town Clerk Shenk use of the Town Hall for the collection of the 1993-94 Hamburg School Taxes paying the sum of eight hundred ($800.00) dollars for use of the facility.

five (5) Ayes Carried

TOWN ATTORNEY REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant the Architectural Firm of CCS (Carol Case Syracuse, Architects) be retained to be the architect for the Town Hall Addition at a Rate not to exceed 9%.

Councilman Flowers	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Zimmerman	Voting Abstain
Councilman Wittmeyer	Voting Aye
Supervisor Kennedy	Voting Aye

four (4) Ayes Carried

RESOLUTION 1993 - 31 PURCHASE OF LOWER CRESTWOOD CIRCLE

David Regan, 7420 Chestnut Ridge Rd: Where are you getting the E. Hill water from? Is that going to be a million gallon tank?
Supervisor Kennedy: We proposed a smaller tank of 250,000 gallons. The Water Authority said 500,000 gallon. If that is the case we would like to keep it as short as possible because we are not looking for pressure with this tank. We are going to have to minimize the pressure because in the valley it is going to boost pressures in some areas up to 115 lbs.

Town Attorney Perley: The water is coming out of the valley. We will be pumping it up.

Supervisor Kennedy: We will pump it up the hill to the area where the tank is. We will have to put a pump station in.

David Regan: The only houses that are going to be served are the ones on the private driveway?

Supervisor Kennedy: No. The people will be served on Chestnut Ridge Road from the base of the hill to the driveway that goes in on Mr. Huesinger's property.

David Regan: People 3,000 feet from Crestwood Circle on Chestnut Ridge Road will not get water?

Supervisor Kennedy: That is true.

Town Attorney Perley: I can't guarantee you that the water will go up as high as where that line will terminate. We are going to have to calculate when we finally determine the exact elevation of the tank and its exact size.

David Regan: When the other part of the hill gets service than everyone on the east hill will be serviced in that area.

Town Attorney Perley: Without looking at all the maps I can't guarantee the answer to that question.

DDH529

Supervisor Kennedy: I can say yes. Because this is going to a higher elevation that what was planned to come down the hill.

Supervisor Kennedy stated that what the Erie County water Authority has indicated to us is they don't wish to tie together the pressures that we'll have coming off the tank in the area of Ward Road and/or Eddy wherever we locate that tank and the pressures from the valley, because they are so much different. They want us to feed down the hill so far and up the hill so far.

Supervisor Kennedy has a meeting at the Erie County Water Authority where they are going to do some demonstration projects. At that time he will talk with Mr. Neiderprum.

COUNCILMEN REPORT

Councilman Flowers received an inquiry from Dennis Kramer about the possibility of getting a street light put on pole #1038-1 at the Boston Commons he contacted NYSEG and
subsequently after that received a letter from residents and business owners in that area.

Councilman Flowers read a letter from NYSEG advising that the addition of a new light would not conform the established guidelines. If an additional light was installed on pole #1038-1 certain utility facilities would need to be relocated all at the Town of Boston's expense.

Councilman Flowers while visiting the State Police Barracks noted that it was obsessively hot. Is there anything we can do to make it a little bit more comfortable?

Supervisor Kennedy: We did receive a complaint from the State Police and sent a representative over there. Maybe the system is not adequate. We will have to look into it with the Engineer to see if in fact the system that was installed is inadequate.

Councilman Flowers received from NYSEG a facilities inventory of the lights that the Town of Boston is paying for. After checking everything they say is suppose to be, is. He will keep doing spot checks.

Councilman Flowers went to a Formerly Utilized Sites Remedial Action Program Information Seminar put on by the U.S. Department of Energy. This was for the clean-up of radioactive waste in Tonawanda. The State of New York is going to designate an area as a radioactive waste storage area. Being realistic it is going to be West Valley. If the Department of Energy decides to clean-up this particular area which was used for development of the Atomic bomb, they have radioactive waste that has to be moved someplace. His concern was that this waste would have to pass through the Town of Boston. He was assured that no nuclear waste would come through the Town of Boston on the Department of Energy say-so. If they decide to remove all the hazardous materials and the nuclear waste that is there it will be shipped to a Federal Depository someplace out west.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer Monthly Report for the month of July 1993 received and on file in the Clerk's office.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer Monthly Report for the month of July 1993 received and on file in the Clerk's office.

REGULAR BOARD MEETING
JULY 21, 1993

TOWN HALL
7:30 P.M.

DOG CONTROL OFFICER REPORT

A) Dog Control Officer Monthly Report for the month of July 1993 received and on file in the Clerk's office.

TOWN ENGINEER REPORT

A) Town Engineers Monthly Report for the month of July 1993 received and on file in the Clerk's office.

ERIE COUNTY SHERIFF REPORT

A) Erie County Sheriffs Monthly Report for the month of July 1993 received and on file in the Clerk's office.

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers to adjourn this meeting a 10:37 P.M.

David J. Shenk
DAVID J. SHENK, TOWN CLERK

DDH529

REGULAR BOARD MEETING
AUGUST 18, 1993

TOWN HALL
7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to accept the correction and adoption of the minutes of the July 21, 1993 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #8 dated August 18, 1993 in the amount of $89,083.93 be paid.

see correction page 325

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the Highway Bills on Abstract #8 dated August 18, 1993 in the amount of $45,305.70 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the Town Clerk's Monthly Report for July 1993.

five (5) Ayes — Carried

Letter received from Francis J. Pordum, State of N.Y. Assembly, re: Special Local Initiative Funding in the amount of ten thousand dollars ($10,000) to the Town of Boston to renovate and equip the Boston Town Hall kitchen to make it suitable to serve the Senior Citizen's Nutrition Program which will be contracted through the N.Y.S. Office for the Aging.

Supervisor Kennedy drafted a special thank you letter to both Assemblyman Francis Pordum and also to Senator Dale Volker who assisted the Assemblyman in procuring the grant monies that were needed to renovate the Town Hall kitchen.

Letter from the N.Y.S.D.E.C. re: SBA Tree Planting Grant advising that final approval by SBA will occur in early September with money being available in late fall.

Supervisor Kennedy asked to defer the expenditure of this money until such time as a bonafide guarantee is received.

Letter received from the Town of Amherst, re: applications for additional Section 8 rental subsidies received and on file in the Clerk's Office.

Supervisor Kennedy did contact the Town of Amherst and said that we had no objections to their application for additional Section 8 rental subsidies.

Letter received from Maria Martens, Coordinator E.C. STOP-DWI, re: 1993 STOP-DWI Contract received and on file in the Clerk's Office.

RESOLUTION 1993 - 32 1993 STOP-DWI CONTRACT

Received from N.Y.S. Education Department formal approval for Records Management Grant first installment of one thousand, four hundred Osixty-seven dollars ($1,467).

Supervisor Kennedy commended the Town Clerk for his submission of the grant and his receipt of monies through the State Education Department.

TOWN OF BOSTON

RESOLUTION 1993 - 32

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 18th day of August 1993 at 7:30 P.M., Eastern Daylight Savings Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don a. Wohlhueter	Councilman
Mark W. Flowers	Councilman

The following resolution was offered by Councilman Wittmeyer who moved its adoption :

WHEREAS, the County, pursuant to the authority granted to it by Article 31 of the Vehicle and Traffic Law, has established a special traffic options program for driving while intoxicated (STOP-DWI) and has formulated a plan thereunder for the coordination of county, town, city and village efforts to reduce alcohol-related traffic injuries and fatalities, and

WHEREAS, the Erie County Sheriff's Department and the New York State Police are engaged in certain alcohol traffic safety law enforcement activities within the MUNICIPALITY, including the detection and arrest of persons operating a motor vehicle in violation of Section 1192, Section 511 (2)(a)(i) or (iii) or Section 511 (3) of the Vehicle and Traffic Law, and

WHEREAS, a Justice Court has been established in and for the MUNICIPALITY with jurisdiction to hear and determine cases involving alleged violations of Section 1192, Section 511 (2)(a)(i) and (iii) and Section 511 (3) of the Vehicle and Traffic Law, and

WHEREAS, an agreement has been presented to the Town of Boston for their approval to participate in the STOP-DWI Program.

NOW, THEREFORE BE IT RESOLVED, that the Boston Town Board hereby authorize Supervisor Richard L. Kennedy to execute the agreement on behalf of the Town of Boston.

Seconded by Councilman Wohlhueter and put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

RESOLUTION 1993 - 33

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 18th day of August, 1993 at 7:30 P.M. Eastern Daylight Savings Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Boston does hereby authorize New York State Electric & Gas to install one additional 24700 Lumen (250 Watt) High Pressure Sodium Floodlight on a pole installed and owned by the Town of Boston. The additional light is to be located on pole 369-41 adjacent to the Town of Boston's Department of Public Works.

Seconded by Councilman Wittmeyer and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
AUGUST 18, 1993 — 7:30 P.M.

Received from New York Telephone a copy of petition of Special Franchise Assessment for 1993 on file in the Clerk's Office.

RESOLUTION 1993 - 33 ADDITIONAL STREET LIGHTING TOWN PARK LANE

Letter received from Leonard Saniewski, Erie County Department of Public Works Division of Highways, Re: Designation of Restricted Highways - Old Lower East Hill Road and Lower East Hill Road on file in Clerk's Office,

Letter from R.J. Russell, N.Y.S.D.O.T, Re: Designation of Restricted Highway - U.S. Route 219 at Concord Road ending 4,500 feet north of the Rice Hill Road interchange in the Town of Boston, on file in the Clerk's Office.

Supervisor Kennedy had a Bid Proposal prepared by Garland and Company regarding Roofing Repairs for the Town Hall.

The following Roofing Repairs Bid Sheets were sent to six separate contractors along with a letter asking them if they wished to participate in a walk-through:

1. Completely remove existing BUR insulation and Flashing, install new insulation and HPR Stress Ply roof assembly. Price to include all necessary labor, materials, insurance and taxes. All work to be completed by October 31, 1993.

2. Add to base price the amount necessary to re-shingle entire building per specifications.

Roofing Bids were received from the following contractors:

Company:	Item #1	Item #2
Carmody Roofing & Sheet Metal Co Inc.	$10.900.00	$ 5,300.00
Joseph E. Neubert Roofing Inc.	12,242.00	5,550.00
Jemco Roofing Co., Inc.	13,665.00	5,880.00
Grove Roofing Co., Inc.	22,000.00	16,375.00

Councilman Flowers asked that a Bid Bond or a Performance Bond be required.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to authorize the Supervisor to accept the Bid Proposal by Carmody Roofing & Sheet Metal Co., Inc. in the amount of sixteen thousand, two hundred dollars ($16,200.00) with some written assurances and some documentation that would protect the town should a problem arise.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to approve the Towns share of expenditures for the installation fencing at the Town Park and the South Boston Park in the amount of One thousand, nine hundred-sixty-six dollars ($1,966.00).

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to approve William Kleis, Assessor to attend the N.Y.S. Assessors' Association, Inc. Annual Meeting and Seminar at Nevele Hotel, Ellenville, New York from October 3 to October 6, 1993.

five (5) Ayes — Carried

DDH529

REGULAR BOARD MEETING — TOWN HALL
AUGUST 18, 1993 — 7:30 P.M.

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman to transfer General Funds as follows:

FROM:	1910.4	TO:	7110.2	$10,000
	1910.4		1940.4	5,201

five (5) Ayes — Carried

Petition received from residents of the Boston Hills Homes and Boston Hills Estates containing thirty-five (35) signatures opposing the closing of the entrance at the north end of the park on file in the Clerk's Office.

Supervisor Kennedy asked Councilman Wittmeyer to read a letter received from Erie County D.O.T. Councilman Wittmeyer read a letter received from Mr. Sickler, Erie County D.O.T. dated February 26, 1993, Re: Site Plan Change Boston State Road Boston Hills Estates North Road Entrance. Councilman Wittmeyer commented that at the February Town Board Meeting this letter was read and Mr. Falkides replied that he would close the road.

Supervisor Kennedy responded that he respects the request of the residents that the roadway remain open. However, the plans and documents that were submitted to the Planning Board, that were duly approved, are the way that this park must be built. This entrance is not suppose to be there.

Town Attorney Perley responded that it is a matter of County jurisdiction as to whether or not this road remains.

Town Clerk Shenk read a letter dated August 15, 1993 from John Falkides stating that a cable barricade on the North Road entrance of Boston Hills Homes had been installed. If you review the approved site plans, you will find it specifies a "beam or cable guard rail barricade". Enclosed with this letter was a copy of a revised site plan for Boston Hills Estates, specifying the changes approved by the Town Board in December 1992.

Supervisor Kennedy stated that he could not find on his copy of the map where it says cable guard rail barricade. The Supervisor will review the new map.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to extend the Boston Hills Homes and Estates Annual License until September 15, 1993.

five (5) Ayes — Carried

Town Attorney Perley received a telephone call from Mr. Sprague, Sprague Mobile Home Park at which time he was advised that a ninety (90) day notice had been served on the substandard trailer in his park as of August 1, 1993, which at the expiration of that time, the trailer is to be removed. Town Attorney perley advised Mr. Sprague, that this was a Board matter not something that he could approve and would report this to the Board.

Supervisor Kennedy commented that Mr. Sprague has also been asked to make the roadway dust free. The Supervisor will ask Mr. Sprague to provide written documentation that he has, in fact, taken action against the tenant who we feel is improperly there with a smaller unit than what is allowed under the Mobile Home Ordinance.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to extend Sprague Mobile Home Park Annual License until September 15, 1993 provided written documentation is submitted that action has been taken against the tenant who we feel is improperly

there with a smaller unit than what is allowed under the Mobile Home Ordinance. Also, that certain roadway improvements are made.

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to approve the appointment of 1993 Boston Youth Soccer League Coaches, Assistant Coaches and Team Assignments as recommended by Len Souliere, Secretary, Boston Youth Soccer League:

	COACHES	ASSISTANT COACHES
Seniors:	Pete Yeskoot	Paul Valenti
	John Hartman	Ben Randle
	Barry Decker	John Nurt
	Sean Greene	Mike Hacker
	Ray Steffan	Steve Ockler
Juniors:	Scott Suchan	Walt Filkorn
	Dave Derkacz	Wayne Hahn
	Ken Bihl	Pam Valentine
	Jack Grech	Tom Crabtree
	Don Harris	Greg Burroughs
	Wally Odden	George Urban
	Paul Rosiek	Mark Williams
	Tony Guido	John Marron
Pee Wees:	Lou Matricardi	Dave Grove
	Scott Draudt	Larry Kosowski
	Mary Ann Sullivan	Eric Lawton
	Dave Ruzzine	Mark Janker

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to approve the request of Pat Brunner to use the Boston Town Park and concession stand on September 11, 1993 beginning at 4:00 P.M. for the 5th Annual Colleen Brunner Memorial Softball Tournament.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to refer Building Applications submitted by Roy Emerling for 7287 Boston State Road and 9000 Boston State Road referred to the Planning Board.

five (5) Ayes Carried

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman to approve Building Permit Application of Charlap's Dairy as recommended by the Planning Board to erect a building for the purpose of the storage of a milk tank at 7264 Boston State Road.

five (5) Ayes Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for July 1993 on file in the Clerk's Office.

TOWN CLERK REPORT

A) Registrar of Vital Statistic Report for July 1993 on file in the Clerk's Office.

Town Clerk Shenk acknowledged Deputy Town Clerk O'Neill for covering the Clerks' Office for the two weeks he was away for Annual Training with his Reserve Unit.

DDH529

REGULAR BOARD MEETING — TOWN HALL
AUGUST 18, 1993 — 7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley received a call from some of the residents on Crestwood Circle, there appears to be some confusion as to the configuration of Crestwood Circle. Research in the past has indicated that the records are somewhat scant. He will be meeting with the residents to try to get all the documents that they have in their possession. This was brought to his attention by Mrs. Schmidlin who has a seventy-five foot (75') right-of-way in front of her house. There is some significant confusion as to how wide that right-of-way is as you go further south. He feels that this can be remedied fairly simply.

He has been invited to attend a meeting of the Economic Development Committee of the Chamber of Commerce on August 25, 1993 at 8:30 A.M.

Town Attorney Perley attended the first meeting of the Committee that is looking into the design of the addition with the architect. We expect that tentative cost estimates may be available sometime next week.

Town Attorney Perley will be attending a meeting on August 19, 1993 in the Supervisors' office with Mr. Gugino regarding Dunn Road Qualified Abandonment application.

COUNCILMEN REPORT

Councilman Flowers presented the Board with Local Law #1 - 1993. The title being Local Law to Amend Local Law #3 - 1987 entitled "Fire Prevention and Building Code Administration," which amendment pertains to requiring Town Board approval for the issuance of any permit to construct dwellings on certain property in the north east section of the Town of Boston having frontage on portions of Herman Hill, Ward, Cole, Omphalius, Boston State and South Abbott Roads in the Town of Boston.

Supervisor Kennedy asked if geographic description could be changed to more clearly define the boundaries? Since this restriction should be applicable to both sides of road.

Town Attorney Perley said that he could alter this description.

Supervisor Kennedy asked that to insure proper publication of this Public Hearing signs be appropriately placed so that all the residents will be adequately informed. He will direct the signs to be made.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to schedule a Public Hearing for Local Law #1 - 1993 on Wednesday, September 15, 1993 at 8:00 P.M.

five (5) Ayes — Carried

Councilman Flowers reported that the Southtowns Haz/Mat Team was awarded a $12,500 grant through the work of Assemblyman Graber.

In the August 4th Environmental News Bulletin there a number of items that impact the Town of Boston. They are all excavation or removal permits:

1) Anthony Bernardi proposes to remove gravel from two gravel bars in Eighteen-mile Creek.

2) National Fuel wants to excavate broken shale from the bottom of Eighteen Mile Creek to prevent flooding in their supply line on the southside of Back Creek Road at 8073.

3) Kiatone wants to put more rip-rap on the bank at Eighteen Mile Creek.

Councilman Flowers commented that he plans to contact Mr. Foley of Kiatone and tell him that this is a great idea. Go ahead let them do it. If that thing lets go and hits the bank we will have a disaster down there.

Supervisor Kennedy stated that they have been down there numerous times and have talked to representatives of Kiatone and are certainly in agreement with them.

Councilman Flowers attended the Chamber of Commerce Meeting and there was some discussion about the Economic Development Committee having some input on the Planner that is going to be hired by the Planning Board. There point was that if the Planning Board hires a very conservative Planner then they feel that they won't get a fair deal. That was their entire problem with the planning process.

DDH529

Supervisor Kennedy when they discussed that had they received the communication I wrote to them in response to their letter to the Board? The Planner certainly does not want to be restrictive as to prohibit growth and business in the community. The Planner has to function in both avenues to protect and promote what is best for the whole community.

Councilman Wohlhueter reported that he contacted Erie County about a "household hazardous waste drop-off" this fall. September 11, 1993 at the Erie County Highway Garage, Delamater Road, Angola, New York between 9:00 A.M. and 3 P.M. fliers will be forthcoming.

Councilman Zimmerman reported that the residents of Herman Hill Road would like to have the parcels on the north side of Herman Hill Road rezoned back to what they were before we made some changes in the zoning plan. He asked the Town Attorney to prepare the legislation.

Councilman Wittmeyer had a call from Ed Thill, Butternut Road regarding the status of the speed control request in front of the Boston Valley School. All the letters were reviewed, and forwarded copies of the correspondence to him relative to the school speed zone on Back Creek Road.

Supervisor Kennedy commented that a lot of people have questioned him about barrels that are seen throughout the community at different locations along the Niagara Mohawk Powerline. The barrels are sealed and tagged. Niagara Mohawk has been sandblasting their towers and some of the debris has been put in those barrels and sealed. These are not toxic barrels.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer's Monthly Report for July 1993 on file in the Clerk's Office.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's Monthly Report for July 1993 on file in the Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog Control Officers Monthly Report for July 1993 on file in the Clerk's Office.

REGULAR BOARD MEETING
AUGUST 18, 1993

TOWN HALL
7:30 P.M.

TOWN ENGINEER REPORT

A) Town Engineer's Monthly Report for July 1993 on file in the Clerk's Office.

ERIE COUNTY SHERIFFS REPORT

A) Erie County Sheriff's Monthly Report for July 1993 on file in the Clerk's Office.

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman to adjourn meeting at 8:57 P.M.

David J. Sherk
DAVID J. SHERK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 1, 1993 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley and Highway Superintendent Eugene E. Ruchalski.

A motion was made was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to accept the correction and adoption of the minutes of the July 21, 1993 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #9 dated September 1, 1993 in the amount of $64,412.97 be paid. see Correction page 331

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to accept the correction of Abstract #8 dated August 18, 1993 as follows:

Voucher #625	-	Town of Hamburg Fire Control	
SF 3410.4		From: $10,326.00	To: $10,673.56
Voucher #628	-	NYS Electric & Gas Corp	
SL 5182.4		From: $ 1,586.93	To: $1,587.82
GENERAL FUND	-	Clerical error in addition	-$3.00

TOTAL GENERAL FUND	-	From: $15,768.34	To: $15,765.34
TOTAL FIRE PROT. DIST.	-	15,067.15	15,414.71
TOTAL LIGHT DIST.	-	1,586.93	1,587.82

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers that the Highway Bills on Abstract #9 dated September 1, 1993 in the amount of $17,232.58 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to accept the Town Clerk's Monthly Report for August 1993.

five (5) Ayes — Carried

Notice received from the Federal Energy Regulatory Commission advising that a damn is to built in the City of Troy, received and on file in the Clerk's Office.

Letter received from Erie County Commissioner of Personnel Richard Slisz, Re: Amendment to Section 75 (2) of the Civil Service Law referred to the Town Attorney for review.

Letter received from Erie County Department of Development and Planning, Re: Southtowns Mobile Social Service Van on file in the Clerk's office.

Supervisor Kennedy responded that he would assist the Town Clerk in the completion of questionnaire so that these services can be provided to the people of Boston.

Letter received from Erie County Local Emergency Planning Committee, Re: Hazardous Materials Seminar for Public Officials and Emergency Managers - Saturday, September 18, 1993.

DDH529

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 1, 1993 7:30 P.M.

Supervisor Kennedy reviewed this letter with Councilman Flowers and asked that if any of the Public Officials are interested in attending this seminar to let him know as soon as possible so reservations can be made.

Letter received from Erie County Department of Environment and Planning, Re: The release of ozone depleting chemicals, advising that the final person in the disposal chain is responsible for ensuring that refrigerant is removed from appliances prior to their final disposal. Since each appliance improperly disposed of is considered a violation, the fines can be quite high.

Supervisor Kennedy has asked Councilman Wohlhueter to arrange a meeting with Mr. Balbierz of BFI for the latter part of September to review this matter.

Erie County Water Authority's 1992 Annual Report received and on file in the Clerk's Office.

Letter from Suzanne L. Bissonette, Town of Eden Supervisor, Re: Free Rabies Clinic to be held at the Eden Highway Department on September 23, 1993 between 2 and 4 P.M.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to authorize Supervisor Kennedy to enter into an agreement with the Town of Eden to Co-Sponsor the Free Rabies Clinic. Each town will pay $1.00/per shot for residents from their respective towns. Shots given to residents not in any of the towns will be split equally. The Town Clerk was directed to install an ad in the Pennysavers that cover the Town of Boston.

five (5) Ayes Carried

Resolution received from the Orchard Park School District, Re: Partial payment of school taxes received and on file in the Clerk's Office.

Resolution received from the Hamburg School District, Re: Partial payment of school taxes received and on file in the Clerk's Office.

Letter received from Adelphia Cable regarding changes in cable rates and services effective September 1, 1993 as the result of the new Federal "Cable Act" Legislation passed in 1992, received and on file in the Clerk's Office.

Notice of Petition received from New York Telephone Company received and on file in the Town Clerk's Office.

Town Attorney Perley commented that the Town has received an Article 7 Petition of the Real Property Tax Law challenging the assessment of New York Telephone property in the Town of Boston.

Request for Judicial Intervention from New York State Electric and Gas received and on file in the Clerk's Office.

Town Attorney Perley commented that the basis of this challenge is that we should multiply their assessment by the equalization rate. We are going to determine whether or not this is the basis for their challenge throughout the county. If it is, this will present a common legal issue among the towns. The towns may look to have one Council represent them, in this instance. Our appearance will be noted and the necessary papers will be filed to dispute the claim.

REGULAR BOARD MEETING
SEPTEMBER 1, 1993

TOWN HALL
7:30 P.M.

REQUESTS FROM FLOOR

Nancy Stetter, 5562 James Drive: What is being done with Greg and Julie Dake's rezoning request? At the Public Hearing weren't they in violation of the zoning law by conducting business? Have they applied for a variance?

Supervisor Kennedy: What have they done?

Town Clerk Shenk: At this point Greg and Julie Dake have not applied for a variance through my office.

Town Attorney Perley suggested that the Code Enforcement Officer go to the Dake property.

Supervisor Kennedy: I would suggest that if they have not applied for a variance, and I was under the impression that they had. I also, have been questioned by members of the community. Since they have not done this, I will direct the Code Enforcement Officer to serve the Dake's with a summons, since we have been waiting for his application for a variance.

DDH529

Letter received from Boston Hills Homes & Estates, Re: Annual License referred to the next Regular Board Meeting September 15, 1993.

Supervisor Kennedy commented that the Town Clerk has not been able to locate any documentation showing that a different set of plans have been approved by the Board other than the original plans adopted in July of 1991.

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman to grant the request submitted by Nadine G. Houghton, Operations Officer, Evans National Bank to use the Town Hall building as a backup site in case there is a disaster at the North Boston office.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to refer the Building Permit Application submitted by Loren and Dorothy Bower, 8963 Boston State Road to the Planning Board for review. Also, direct the Town Clerk to contact Code Enforcement Officer Kramer to see if there is any additional information with this application. If not the Code Enforcement Officer should contact Mr. Bowers' prior to the Planning Board Meeting informing him that this application is incomplete and advise him of what will be required when this application is presented to the Planning Board for review.

five (5) Ayes Carried

Letter received from Margaret Herron, d/b/a Boston Deli, advising of renewal application for off-premises beer license at 9375 Boston State Road received and on file in the Town Clerk's office.

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for August 1993 received and on file in the Clerk's Office.

Supervisor Kennedy received a communication from the Department of Environmental Conservation acknowledging receipt of application for supplemental 1993 National Small Business Tree Planting Program. The Town of Boston's award for five thousand ($5,000) has been selected and forwarded to the SBA for final approval. The calculated match and number of trees for the approved projects are four thousand, one hundred and thirty-one dollars ($4,131) and fifty-three (53) respectively.

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 1, 1993 — 7:30 P.M.

Letter from Erie County Human Resources, Maureen Fitzpatrick thanking the Town for participating in the 1993 Summer Youth Program.

TOWN CLERK REPORT

A) Registrar of Vital Statistics Report for August 1993 received and on file in the Clerk's Office.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to approve the following Polling Places for 1993:

DISTRICT #1	Boston Valley School
DISTRICT #2	North Boston Fire Hall
DISTRICT #3	Boston Town Hall
DISTRICT #4	Catholic Church School
DISTRICT #5	Boston Valley School
DISTRICT #6	Boston Town Hall
DISTRICT #7	North Boston Fire Hall

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman authorizing the Highway Department to move the Electoral Voting Machines to their respective locations on Primary Day September 14th and on General Election Day November 2, 1993.

five (5) Ayes — Carried

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski reported that the CHIPS Program is about 75% done. This year work was done on Hywood Dr and Appletree Rd. The main road program is done. There is still a lot of shoulder work to do on Appletree and Hywood. Extensive pipe work needs to be done on Hywood on the east side of Mayer Road end, also on the Zimmerman Road north side. This should be done by October weather permitting.

Brush pickup will begin on Tuesday, September 7th after that the 1st and 3rd Monday of September and October.

TOWN ATTORNEY REPORT

Town Attorney Perley had a two and a half hour meeting with the Economic Development Committee of the Boston Chamber of Commerce. This was a very informative meeting. He has been asked by the Chairman of the Committee to address them at a future date with regards to the possibility of forming a Business Improvement District under the General Municipal Law. If any member of the Town Board has an objection He will decline to speak because it does carry at least some color of official action from the Board. If there is no objection arrangements will be made with the Chairman of the Chamber to give that address.

A deed has been filed for the turn-around on Mr. Bernardi's property on Willow Drive. Also, all of the deeds and easements on the Lango Road Water #1 Project have been filed, that project can now go forward at the convenience of the Board.

TOWN OF BOSTON

RESOLUTION 1993 - 34

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 1st day of September at 7:30 P.M. Eastern Daylight Savings Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

The following resolution was offered by Councilman Wohlhueter who moved its adoption:

WHEREAS, the Southtowns Solid Waste Board and the Northeast Solid Waste Board have formed together to become the Northeast-Southtowns Solid Waste Management Board (NEST),

WHEREAS, the Town of Boston has been a member of Southtown Solid Waste Board,

BE IT RESOLVED, that the Town of Boston join the Northeast-Southtowns Solid Waste Board (NEST),

BE IT RESOLVED, that the Town of Boston pay membership dues on an annual basis to Northeast-Southtowns Solid Waste Management (NEST) at a rate of 3.5 cents per capita based on the 1990 population (7,445),

BE IT RESOLVED, that the Town Board of the Town of Boston appoint two (2) representatives to the Northeast-Southtowns Solid Waste Board. The first representative being Don A. Wohlhueter the alternate being Michael F. Perley terms to expire December 31, 1993,

BE IT RESOLVED, that Richard L. Kennedy, Supervisor of the Town of Boston be authorized to sign "Joint Municipal Agreement Creating the Northeast-Southtowns Solid Waste Management Board"

NOW THEREFORE BE IT RESOLVED, that the Town Clerk of the Town of Boston send certified copies of this resolution to Janell Lundgren and Ron Gaylord,

Seconded by Councilman Zimmerman and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting aye
Councilman Wittmeyer	Voting aye
Councilman Zimmerman	Voting aye
Councilman Wohlhueter	Voting aye
Councilman Flowers	Voting aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Sheenk
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 1, 1993 7:30 P.M.

COUNCILMEN

Councilman Flowers has received requests from residents of Haag Road about when TV cable service is going to be available.

Town Attorney Perley responded that he has called Adelphia Cable and has been informed by them that they are waiting for some final make ready and energization on the poles for the transformers from the power company. He will call Adelphia Cable regarding this and inform Councilman Flowers.

A motion was made by Councilman Flowers that the Town Board should ask Recreation Director, Gerald O'Brien to offer a public apology to Marcia Latosinski for going a bit overboard on his response to a letter that she had written about the hiring practices of the Recreation Department.

Motion lost for lack of Second.

DDH529

Supervisor Kennedy: I don't think that he was out of line. I think he tried as best he could to explain why he made the decisions that he made. I am not going to defend Mr. O'Brien. He is certainly capable of defending himself. I am not going to ask for a public apology from Mr. O'Brien.

Town Attorney Perley: In matters of personnel and disciplinary proceedings the individual that is involved has a right to be present. If he was not notified that this issue was on the agenda tonight and given and opportunity to appear, I think it is out of order to require that.

Councilman Flowers: I would like to notify Mr. O'Brien to please be at the next Town Board Meeting so that this matter can be discussed.

Councilman Wohlhueter reported that the Northeast Solid Waste Management Board and the Southtown Solid Waste Committee have been meeting jointly and have passed a resolution creating the Northeast-Southtown Solid Waste Management Board. The Northeast-Southtown Solid Waste Management Board will be called NEST and any municipalities in these two regions have to have the Supervisor of the town sign an agreement to become a member of this group.

RESOLUTION 1993 - 34 JOINT MUNICIPAL AGREEMENT CREATING NEST

Councilman Wohlhueter reminded the people of the Erie County Household Hazardous Waste Drop-off day on Saturday, September 11, 1993 from 9:00 A.M. till 2:00 P.M. at the Erie County Highway Garage at 8730 Delameter Road, Angola, New York.

Councilman Wohlhueter asked the people from the news media present to advertise this in their respective papers.

Councilman Zimmerman commented that the towns' ambulances are both getting old with a lot of miles on them and are in need of a lot of repairs. He announced that the Emergency Squad has formed a committee and is starting to look for a new ambulances and they are setting up specs so that we could bid for one possibly next year.

Supervisor Kennedy responded that he appreciated the fact that Donna Odoj had invited him over to look at some of the Modular Units they had borrowed. Certainly this would give him some indication in preparation to set aside some monies in this years budgets.

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 1, 1993 — 7:30 P.M.

Councilman Wittmeyer reported that he had received a call from residents on Homestead Road requesting "Curve" signs on the north and south end near John's Terrace and also at James Drive.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Town Highway Superintendent install "Curve" signs on the north, south and east direction of Homestead Road near John's Terrace and James Drive.

five (5) Ayes — Carried

CODE ENFORCEMENT REPORT

A) Code Enforcement Officers Monthly Report for August 1993 received and on file in the Clerk's office.

Supervisor Kennedy addressed Code Enforcement Officer Kramer directing him as it was the consensus of the Board since Mr. Dake has not applied for a variance nor asked to go before the Zoning Board of Appeals that he be cited and brought into Court on a violation of conducting a business on Back Creek Road in an improper zoning.

Town Attorney Perley responded that it might be better to serve Mr. Dake with a Cease and Desist Order which he will prepare and fax to Mr. Kramer tomorrow.

DEPUTY CODE ENFORCEMENT REPORT

A) Deputy Code Enforcement Officers Monthly Report for August 1993 received and on file in the Clerk's office.

DOG CONTROL REPORT

A) Dog Control Officers Monthly Report for August 1993 received and on file in the Clerk's office.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to adjourn meeting at 8:30 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 15, 1993 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to accept the correction and adoption of the minutes of the September 1, 1993 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #9A dated September 15, 1993 in the amount of $62,949.07 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve the corrections of the following General Fund and Special District Abstracts:

Abstract #7		Dated 7/14/93	
Voucher #467		Aloha Leasing - Fax Machine	
From:	A1670.4	Central Print & Mail	$123.81
To:	A1220.2	Supervisor Equipment	123.81
Abstract #9		Dated 9/01/93	
Voucher #660		Michael Perley	
From:	A1420.4	Attorney, Cont	60.00
To:	SW1 8340.4	Trams & Distrb, Cont	60.00
Voucher #698		Aloha Leasing - Fax Machine	
From:	A1670.4	Central Print & Mail	149.58
To:	A1220.4	Supervisor Equipment	149.58
Abstract #6A		Dated 6/16/93	
Voucher #408		Fox & Company	
From:	A1220.4	Supervisor, Cont	6,000.00
To	A1320.4	Independent Audit & Accounting	6,000.00

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman that the Highway Bills on Abstract #9A dated September 15, 1993 in the amount of $27,010.03 be paid.

five (5) Ayes — Carried

Letter received from William B. Finnernan, New York State Commission of Cable Television regarding rate regulations referred to the Town Attorney for review and recommendation.

Letter received from NYSDOT advising that starting Thursday, September 9, 1993, Pfarner Road between Back Creek Road and Tillen Road will be closed to thru traffic to allow for construction of the new road alignment in this area, on file in the Clerk's office.

Three letters from John Gugino, Erie County Dept. of Public Works:

DDH529

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 15, 1993 — 7:30 P.M.

1) Boston Cross Road

There is a major concern regarding the existing town owned waterline. The reconstruction project for Boston Cross Road cannot be let until this section of conflicting waterline is relocated or agreement and arrangements are made for payment to the County for inclusion of this work into our contract.

Supervisor Kennedy commented that this project has been in the works for three years and the first he heard of this was from Mr. Conboy a week ago, when he was advised that 2700 feet of waterline would have to be relocated.

Supervisor Kennedy referred this matter to the Town Engineers so that they can possibly see if there is a way that the drainage can be modified where it doesn't require the town to, in fact, relocate this 2700 feet of waterline.

2) Abandonment or Qualified Abandonment of Dunn Road

None of the affidavits interposed by petitioner or in support of petitioner, nor the testimony heard at the public hearing, state whether a general right of passage in motor vehicles exists or existed over the subject way. After observing the subject road and conversing with the Town of Boston Attorney, and reviewing all the affidavits, there appears to be no general right of passage in motor vehicles over the subject way and it does not appear traversable. As stated above, it would appear that since these paths do not constitute a public highway, then there is no abandonment that can legally take place.

Town Attorney Perley stated that Deputy Commissioner Gugino's opinion now supports the towns position in current litigation and with the original certificate that this never was a public highway, never worked nor used as a public highway and is consistent with the position taken by the town. This decision states that just after the culvert, where the horse farm is, and where the road appears to end, and there is an overgrowth of trees is in fact, the end of the road. This measures approximately one mile from the edge of the right-of-way of the Boston Colden Road.

Town Attorney Perley will send a copy of this letter to the Court where we currently have a Supreme Court case pending.

3) Chestnut Ridge Rd. from Ward Rd to Boston State Rd and Eleven Areas within the Town of Boston

Acknowledging requests for speed limit reduction in miscellaneous subdivisions throughout the Town of Boston and a section of Chestnut Ridge Rd. from Ward Rd. has been forwarded on to the NYSDOT.

Councilman Wittmeyer commented that this a request that went to County early this Spring and thanks to Town Attorney Perley we have finally gotten it finalized. It will be at least six months before we get anything back from the State on this.

Supervisor Kennedy commended Councilman Wittmeyer for the work he has done on this project. Hopefully this will be done as expeditiously as possible so that signs can be posted and speeds reduced.

Letter received from John R. Finster, Erie County of Public Health, Re: Approval of Completed Works on George Drive on file in the Clerk's office.

Letter received from Alan J. Laurita, Envirogas, Inc., Re: Notification of intent to drill wells on N. Witkowski #1 and D. Rachwal #1 on file in the Clerk's office.

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 15, 1993 7:30 P.M.

Supervisor Kennedy asked William Sprague, Sprague Mobile Home Park Owner to update the Board Members of the status of the Mobile Home Unit within the Park that is in violation of the standards that have been established under the NYS Building and Fire Code.

William Sprague: That unit has been removed from the lot.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to approve the Sprague Mobile Home Park Annual License to expire June 30, 1994.

five (5) Ayes Carried

Supervisor Kennedy deferred to Town Attorney Perley for research that he has done on the Boston Hills Estate Mobile Home Park and asked for his dissertation on what he has done to determine the proper mapping or document that is on file in the Planning Room.

DH529

Town Attorney Perley responded that after the last meeting he asked the secretary of the Planning Board to research the minutes from July 1991 to December 1991. There are no entries into the minutes other than the motion adopted by the Planning Board to send it up to the Town Board, which motion was then adopted by the Town Board in approving the Park Plan. That is the plan that shows the guard-rail. He then spoke with the current Town Engineer, Mr. Sheerer and had him review his file. He asked him to advise if he had any maps bearing a date after June 1991. He did not. He asked if there were any memoranda or notes in his file that indicated any modification in the plan after June, and he did not. I previously asked the Town Clerk to research the Town Board Minutes from July of 1991 when this site was approved, through the end of the year. There are no further references of any action by the Board during that period of time. Based upon the review from the Town Engineer, the Planning Board, his own file, which doesn't indicate any action taken after July of 1991 and the Town Clerk. The only conclusion he could draw based upon what He knows is that all the evidence supports that the June map was the adopted map, with the guardrail on it. Based upon that, it is presently his opinion, subject to being modified by any documentary evidence of a competent nature that would indicate otherwise, if Mr. Falkides would have it, other than just a map that says "approved" on it, any notes, memoranda, letter correspondence, etc. that would show a modification of the plan. At the present time without that, it is my opinion that the site plan requires the installation of a guardrail at that driveway.

John Falkides: Are you saying that the cable barricade that we put across the road with stop signs on it is not adequate, you want a steel beam?

Supervisor Kennedy: I'm not saying that we want a steel beam. We want a guardrail that is in conformance with the original documents and plans that were submitted to the Planning Board and subsequently approved by the Town Board.

John Falkides: I want that clear for the record.

Supervisor Kennedy: I want the park plan to be the same one that I have on file here. The one that you submitted. The one that you showed us that you were going to close off one roadway and then subsequently went ahead and paved it anyway. And it shows a guide rail across the one road because of the existence of two roads in the close proximity of probably one hundred feet. Yes I want a guide rail there. Until such guide rail is installed it is my motion before this Board that you be denied a license and that no certificate of occupancies be issued to you for any more units in the existing park until such time as that guide rail is installed according to the provisions. Unless you can show me in

documentation anywhere that this Town Board took action different than that and allowed you to put a cable up.

John Falkides: For the record we did formally request that this entrance be allowed to be open. And you denied that request.

Town Attorney Perley: No we did not. We don't have the jurisdiction to deny that request. That is a County matter.

Supervisor Kennedy: Do you recall the motion that was read into the minutes by Deputy Supervisor Wittmeyer when you agreed, and by your own volition agreed, not to utilize that roadway, that it would be closed off in accordance with the plan? Because there was a request from the Erie County Department of Highways for a traffic study if you were going to allow two entrances to that park. And you made that statement. Nobody coerced you into it and nobody said anything to you. You made that statement. "That road will be closed" and "it would be closed according to the park plan that is on file."

John Falkides: Presented the Board with a Plan stamped received September 17, 1991 by Environmental Health Services dated June 24, 1991 and it states new beam or cable guardrail barricade.

Town Attorney Perley: This is not the same map we have on file here. You prove to us that you filed that map here. I will call Mr. Mandell tomorrow morning and ask him for his file on this project.

John Falkides: I will call him. I don't want you to call him he is my Engineer.

Town Attorney Perley: Have him deliver his file to the Town Engineer.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to table this until the next Regular Board Meeting on October 6, 1993 to allow the Town Attorney the opportunity to review the records of Mr. Falkides Engineer to determine whether in fact the document is the document that is on file in the Planning Board file with all the rest of our maps and memoranda.

Town Attorney Perley stated that he is willing to review that and look at any documentation, notes that the Engineer has any notes that he made of a meeting, any memoranda that he sent to the Town Engineer or to the Planning Board to see if in fact that was the case. Our map has a handwritten date on it and this map is different. This map is not on file in the Town.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that action on issuance for the Certificates of Occupancy on Lots 7, 9 and 22 be deferred until the next Town Board Meeting or until, the Town Attorney renders and opinion upon review of documents from Mr. Falkides Engineer, that the map Mr. Falkides produced for the Board this evening dated June 24, 1991 was demonstrated by those documents to be the map acted upon by this Board or in the alternative that if Town Attorney Perley make a determination that it was not acted upon by the Board, that Mr. Falkides agrees to install a guide rail. The Supervisor will then poll the Board for approval of those three lots.

five (5) Ayes Carried

REGULAR BOARD MEETING
SEPTEMBER 15, 1993

TOWN HALL
7:30 P.M.

At 8:15 P.M. a Public Hearing was held to place certain restrictions on the issuance of building permits within certain geographic areas of the Town of Boston that would otherwise be permitted by the Zoning Law of the Town of Boston (Local Law No.6-1990, as amended codified at Chapter 123 of the Boston Town Code).

Town Clerk Shenk read the Public Notice.

Supervisor Kennedy stated that this is an important law which impacts a lot of people and a lot of properties. It was duly advertised by the Town Clerk in the official newspaper, and he posted seven (7) posters throughout the community to ascertain that as many persons as possible would be aware of this Local Law, and have an opportunity to comment here this evening.

Town Clerk Shenk also put notices in the Hamburg and Orchard Park Pennysavers.

Supervisor Kennedy convened the Public Hearing asking if anyone present would like to speak on the Local Law to step forward.

David Regan, 7420 Chestnut Ridge Rd.: On the east hill we all know what the water problems are. We don't have the same fire protection as the valley because we don't have water. Every time a new house goes in the people who do have water, their wells turn black. Our water is getting worse, and worse, and the quality, and quantity has decreased tremendously. I am in favor of this, if we have water coming like we are being told, everything is on a roll. Then in two (2) years what is it going to hurt? Thank you.

Joyce Corlett, 6474 Omphalius Road: I am in favor of this. I think we are doing everybody justice. The homeowners who do suffer the threat of losing water anytime a new well is drilled, and also, the potential homeowners who would like to build. Sometimes, I think they go in blindly not realizing what is facing them. If we are getting the water we are promised it is in everybody's best interest to wait two (2) years to build. Thank you.

DDH529

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that there has been presented to the Town Board of the Town of Boston, Erie County, New York, on August 18, 1993, a copy of Local Law Number 1 for the Year 1993 entitled "A Local Law to Amend Local Law Number 3-1987 entitled 'Fire Prevention and Building Code Administration,'" which amendment pertains to requiring Town Board approval for the issuance of any permit to construct dwellings on certain property in the north east section of the Town of Boston having frontage on portions of Herman Hill, Ward, Cole, Omphalius, Boston State and South Abbott roads in the Town of Boston.

NOTICE IS HEREBY GIVEN, that the Town Board, Town of Boston, will conduct a Public Hearing on the aforesaid Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York on Wednesday, September 16, 1993 at 8 P.M., Eastern Time, at which time all interested persons will be heard.

Dated: August 24, 1993
Published: August 25, 1993

By Order of the
Town Board
Town of Boston
David J. Shenk, Town Clerk

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 15, 1993 7:30 P.M.

Supervisor Kennedy: Defined the Local Law. Anyone applying for a building permit in the area described must come to the Town Board. It is reviewed by the Town Board, and the Code Enforcement Officer no longer has jurisdiction to issue that permit. It would be issued by Board action. That way the Board could review the property in question. Talk to the adjoining property owners and make a determination as to what they thought was in the best interest of the people in that particular area.

Glen Orser, 7147 Chestnut Ridge Road: I am also in favor of this moratorium. In a seventeen (17) year period each year we progressively run out of more water on a regular basis. A new home just went in across the street from us and since their well went in we have gone out about five (5) or six (6) time just in the last month. I think this is a smart decision by the Board. Giving an opportunity to homeowners to go to the Board with special concerns and permits is a smart choice, as well to make it a case by case scenario.

David Gurney, 7052 Chestnut Ridge Road: We have a spring across the road from us and from all reports there has never been a problem with the water there. This summer we came very close to running out. The people who have maintained this spring and property for two (2) generations said that this is the lowest it has ever been. We are in danger of running out. My wife and myself are in favor of this law. Thank you.

Angelo Bellitiere, 8406 Zimmerman Road: The west hill has the same problem. My question is why are we doing it just for the east hill? Perhaps we ought to do this for the complete town. The water on the west hill is deteriorated. We have been running out of water. There are other neighbors here tonight who can vouch for me. Thank you.

Supervisor Kennedy: I certainly concur with Mr. Bellitiere in certain respects, because I know that there are just as many water problems existing in certain areas of the west hill as presently exist on the east hill. However, I wouldn't like to have us limit permits in areas that are served by public water. In those areas outside of Water District #1 and Water District #2, that's a possibility that we could restrict. That encompasses a very large area some of which there are no pronounced water problems. I just do not want to be to restrictive to people that own property, and yet I would like to see this Law as has been demonstrated here by the people speaking on behalf of both hills on the shortage of water. As already stated by one individual, we have people that have constructed homes in the $130,000 - 175,000 range and then drilled the well. We do not have a whole lot of aquifer under the whole town of Boston, so it cannot be just tapped like that. Maybe there should be some modification to it. That is why we're here to hear your thoughts, and we are certainly receptive to them.

Bea Bender, 7804 Cole Road: How did you arrive at singling out the east hill? The reason I question this is that we have been up there since the 50's and never ran out of water. Down the road on Cole Road to the south people are out of water all the time. Down further Mr. Arendt has built and sold many lots. Are you going to say that our area cannot sell lots without the specialties added on to it, yet people down the road can keep on selling lots, when their neighbors are out of water and they don't happen to be in the square that you are singling out? Do you consider that fair?

Supervisor Kennedy: I understand your comments. Drawing a geographic area, there is difficulty in that. You are correct, that is why we are here to hear your comments. Nothing has been cut in stone on this proposed Local Law.

Bea Bender: Is there a plan for water coming in two (2) years?

Supervisor Kennedy: There definitely is a plan. As soon as a financing proposal is put together to be presented to the people to be served ultimately by this new Water District and the cost that will be incurred. The Bookkeeper has already drawn up and assessed evaluation of all the properties that would be included within the area that could be served depending on the size of this tank, which is under review right now by the Town Engineers. Once that is determined we can put together the type of package that could be reviewed by the people in this entire area and a determination will be made then whether they wish to go forward or not based on the cost that would be apportioned to each homeowner.

Bea Bender: This would include the area so called the east hill?

Supervisor Kennedy: We feel that we will be in a position to have the water up there if the people so desire it, at the same time that the Erie County Water Authority would have their transmission lines and their pump stations in line in Orchard Park to pump an adequate supply of water to that elevation.

Bea Bender: If this proposed law would go through and a person were to dig a well and it is not sufficient.

Supervisor Kennedy: The way this Law would read is that you would come in and apply for a permit to build. The Board would then ask the adjoining property owners in that area. Where we know and have documented evidence that there are extreme problems with water. In those areas the Board would be reluctant to grant a permit for additional dwellings to draw down that water table where we already know there isn't enough water to accommodate the people that already live there.

James Kersten, 6480 Ludon Drive: It seems to me that you are opening up a pandora's box with this. The word moratorium was used earlier and the explanation you are giving in effect is almost doing the same thing. Providing a moratorium. I don't think that this is really your intent on building.

Councilman Flowers: We did not use moratorium, simply because it is not a moratorium.

Supervisor Kennedy: It is more of a restriction than a moratorium.

Resident, Cole / Omphalius: I object to this only because we have land up there, and who is to say that our land is going to be worth less than people on the other side of the street? That is basically what you are saying. Are we going to get a break on our taxes? I don't think so. I don't see how you can single us out. I think you have do all of Boston or it just doesn't seem legal.

Madonna Williams 7255 Lower East Hill Road: I would like to see it expanded to include Lower East Hill Road. In the thirteen (13) years since we built a new home there we have taken our well from forty (40) feet to one hundred (100) feet, we have added a suction pump. I'm buying water so we have drinking water, and I'm taking my laundry to a laundromat. We do have a problem, and I think need to expand what you are doing.

Supervisor Kennedy: If we do create this Water District it would have the capacity to service Lower East Hill Rd. through Boston to Colden. I don't know yet which way Colden is going to determine it is in their best interest to receive the water. If they were to elect it would be better to receive it through Lower East Hill Road they probably would share in those costs. If they go out route #240 then it would be up to us to construct those lines.

Lisa Rood 8798 Zimmerman Road: I inquired about including the west hill in this law, and Councilman Flowers explained to me that it had to be a separate law. Now you are talking about modifications.

DDH529

Can this law in effect be modified?

Supervisor Kennedy: Yes. This could include all areas in town not covered by Erie County Water.

Joyce Corlett: If this was going to be on a case by case basis, we would know the areas that are having problems.

Town Attorney Perley: We cannot expand the legal description of this Local Law without another Public Hearing. We can reduce it but we cannot expand it.

Ed Landsman, 8096 Cole Road: How would you determine, would you ask the people on either side of a lot? What if these people don't tell the truth. How is this plan based? I never run out of water. But I also want to sell a lot if I have to.

Supervisor Kennedy: There definitely are some real difficulties in the implementation of a law like this. We do have documentation in certain areas and are aware that in some areas there is a serious problem with water.

Glen Orser: I think expediency is important here. We have a law before the Board. I think that law should be acted on upon rather than amended so that we don't have to delay the process again. That our district could be a sample of how other districts could do the exact same thing.

Dave Regan: There are people living on the east hill that do not have water. Empty lots don't need water, people do. If there is water running by a lot and there is no problem with the neighbors let them build there. The reason that this law has to go in is because there are people on the hill who don't have any. They are raising families and they don't have water.

Ernie Celani, 6872 Omphalius Road: I have a lot of compassion for the people on the east hill. I believe that we are looking at this wrong. The real solution here is to bring water up the hill. I don't think it is right to put neighbor against neighbor in this situation.

Betty Schmidlin, 7443 Crestwood Circle: I have lived in Boston for thirty-five (35) years and have never run out of water. I feel sorry for these people, but I don't think you can take this privilege away from them because they live in a certain area.

Bea Bender: In areas where lots are one hundred (100') feet apart that's alright but where acreage is involved like with my children, that's a difference circumstance.

Supervisor Kennedy: What you are saying is that the Board should probably make special dispensation where there are one hundred (100') foot lots and the people are living in close proximity there should be a different consideration than where there might be acreage involved. Where there is a much less chance of infringing upon the same water system.

Pat Gurney, 7052 Chestnut Ridge Road: One of the things I think we are overlooking, when we had our spring problem it was the result of a house being built. Just after the well was drilled we lost our water. This is not the lot next to us. It is more than probably a half-mile to three-fourths of a mile down the road. It is just the fact that when a well is drilled, it does not have to be right next door. I think the proposed law is one part of the solution, and we are not talking about forever. We are talking about until the water goes through. I would really be in favor of this.

REGULAR BOARD MEETING TOWN HALL
SEPTEMBER 15, 1993 7:30 P.M.

Supervisor Kennedy: I hope that everyone understands that once the water is in that particular area then this law would no longer be in existence. This law can easily be repealed by the Board. It is just a temporary solution and certainly not a long time solution.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to close the Public Hearing at 8:49 P.M.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to table the adoption of Local Law #1 1993 until the next Town Board Meeting on October 6, 1993.

five (5) Ayes Carried

Building Permit application from Kandefer Plumbing & Heating, Pin Oak Drive referred to the Planning Board.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to issue a Soil Removal Permit to Larrie Palmer, Feddick Road.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to grant permission to Highway Superintendent Ruchalski to attend NYS Association of Town Superintendents of Highway 64th Annual Conference at the Pines Hotel S Fallsburg, N.Y. September 28 thru October 1, 1993.

five (5) Ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant permission to Assessor William Kleis to attend the Erie County Assessors Association and the Institute of Assessing Officers at Concord Town Hall, Springville, N.Y. October 14, 1993.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers to authorize Supervisor Kennedy to establish an account for the Community Room Expansion and to accept the recommendation that has been offered by the Capital Improvement Committee to accept the #1 Proposal which is for $125,000 dollars, and also, there will be bid, an alternate which will allow for a concrete floor with the possibility of expansion. Maximum kitchen equipment of $75,000 not to exceed $200,000 for the total project. There is $90,000 in Community Development and $10,000 in grants that were secured from the NYS Assembly.

five (5) Ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that a building permit be granted to Roy Emerling 7287 Boston State Road provided that they conform with the recommendations set forth by the Planning Board.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that a building permit be granted to Carl A. Emerling and Roy L. Emerling, 9000 Boston Stated Road as per the recommendations set forth by the Planning Board.

five (5) Ayes Carried

DDH529

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 15, 1993 — 7:30 P.M.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to grant a building permit to Loren J. & Dorothy A. Bowers, 8964 Boston State Road as per the recommendation of the Planning Board.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer seconded by Councilman Flowers to approve the appointment of the following 1993 Boston Patriot Cheerleading Coaches:

Mary Ann Mulawka	Rosie Gastle
Mary Lou Williams	Diane Emerling
Theresa Eveades	Barbara Cudeck
Sue Boswell	Sue Kersten
Nanette Mead	Kathy Munch
Debbie Willis	Debbie Gastle
Bonnie Clesse	

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter seconded by Councilman Zimmerman to approve the appointment of the following 1993 Boston Patriot Football Coaches and Assistant Coaches:

VARSITY

Head Coach	Paul McCarthy
Asst Coach	Dale Clifford
Asst Coach	Terry McCarthy
Asst Coach	Gary House
Asst Coach	Terry Lunser

FRESHMAN

Head Coach	Paul Dionne
Asst Coach	Rick Weber
Asst Coach	Don Smith
Asst Coach	Gary Steinmetz

five (5) Ayes — Carried

SUPERVISOR REPORT

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to support the request Erie County Sheriff Higgins to fill the vacancies that presently exist in the Sheriff's Office. Direct Town Clerk Shenk to send a letter to both County Legislator Marshall, County Executive Gorski, and Sheriff Higgins in support of this request.

five (5) Ayes — Carried

Supervisor Kennedy asked Town Attorney Perley when he drafts the contract to the Emergency Squad to make sure that he includes two (2) payments. I have negotiated what we feel is an equitable settlement with the Emergency Squad as far as the new budget is concerned. They would like to have payment in two (2) appropriations one on January 1, 1994 and the other before April 30, 1994 this will allow them latitude because they have depleted their surplus.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve arrangements that were made with the Erie County Water Authority between the towns of Colden, Orchard Park, Boston, and Aurora where they all signed a document that indicate that Boston's responsibility in the new water project will be the construction of a tank in an area to be selected at an

TOWN OF BOSTON

1993 - 35

CONSOLIDATION OF ELECTION DISTRICTS FOR VOTER'S REGISTRATION

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 15th day of September, 1993 at 7:30 P.M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy	Supervisor
Milton J. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

The following resolution was offered by Councilman Wohlhueter who moved its adoption.

BE IT RESOLVED, that the Town Board of the Town of Boston, Erie County, New York, request the Erie County Board of Elections to permit the consolidation of Boston's seven (7) Election Districts into one (1) district at the Boston Town Hall, 8500 Boston State Road, Boston, New York for the purpose of registering voters on October 2, 1993.

Seconded by Councilman Flowers and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

elevation that is commensurate with serving the maximum number of people on the east hill that we could reach. It would have the capacity to include the Chestnut Ridge Road area and all the adjoining roads. It would include Lower East Hill Road all the way to Colden. It would include Omphalius Road. Cole Road from the townline to Omphalius Road. To approve the document that was signed by the respective Supervisors and Representatives of the Erie County Water Authority namely the Commissioners Crangle, Sorrentino and Rutkowski.

five (5) Ayes Carried

TOWN CLERK REPORT

RESOLUTION 1993-35 CONSOLIDATION OF ELECTION DISTRICTS FOR VOTER'S REGISTRATION

TOWN ATTORNEY REPORT

As trustee of the Library Association I advise the Town Board that the parking lot has been paved. The appropriation has been made to the Library for the amount of money that was part of the lease arrangement for the Community Room and as a depository of funds. That was contingent upon the paving of the parking lot. It was completed on Friday. The Board members are invited to go up and take a look at this project. Part of the paving project included drainage.

Town Attorney Perley delivered to the Board Members a letter from the Ticor Title Guarantee Company pertaining to the position that the town has taken on Deanna Drive. Essentially the Ticor letter agrees with the position that he has taken. That Deanna Drive is a public highway to the extent of at least one hundred-forty feet (140') from its intersection. Also, given to the Board was a copy of the August 30th letter which was referred to in the Ticor Title Guarantee Letter. This is not an official determination of the status of the road. However, it is part of what may be an on-going process of the status of the road.

COUNCILMEN REPORT

Councilman Flowers went to the Southtowns Haz/Mat Meeting and advised that there is a Public Hearing being held on September 16, 1993 at 11:00 a.m. on the 7th floor of the Rath Building. This is on an item brought forward by Mr. Duza, to charge a fee to anyone who reports under Title 3 of the Hazardous Reporting Law. Our position with the Southtowns Haz/Mat Team is that we are an active viable operation and if they choose to do this we will fight for our share of funding.

Councilman Wohlhueter announced that a meeting is scheduled for September 21, 1993 at 4:00 p.m. with Mr. Balbierz from BFI to meet with Town Attorney Michael Perley, Supervisor Kennedy and himself to discuss 1994 contract proposal and also, matters pertaining to the disposal of refrigerators and anything else that might be pertinent to our town garbage district.

Councilman Wohlhueter reported that a Northeast-Southtowns Solid Waste Meeting will be held on Thursday, September 16, 1993 at 4:30 p.m. at the Orchard Park Town Hall.

Councilman Wittmeyer received a referral from the Town Clerk from Mr. Johnson on the corner of Meadowbrook and Maplelawn who had called about the town highway department putting up a "Yield" sign at the corner. He was upset and did not feel that the sign was needed there. The Councilman explained to him that traffic control was needed there. After that he was acceptable of the sign.

DDH529

~~240~~ 342

REGULAR BOARD MEETING — TOWN HALL
SEPTEMBER 15, 1993 — 7:30 P.M.

TOWN ENGINEER REPORT

A) Town Engineer's Monthly Report for August 1993 received and on file in the Clerk's Office.

UNFINISHED BUSINESS

1) Recreation Director.

Supervisor Kennedy asked that the Town Board with the Town Attorney go into an Executive Session with the Attorney representing Marcia Latosinski. If there is no need to reconvene, we can dispel this matter in an executive session. If we have to reconvene, then we will do so.

A motion was made at 9:10 P.M. by Supervisor Kennedy and seconded by Councilman Wittmeyer that based upon Section 105 of the Open Meetings Law, the statutory reason for going into Executive Session is that this concerns a matter leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person(s).

Councilman Flowers commented that he does not like this whole thing and feels that, if an Executive Session is called it is going to look like we are trying to hide something.

Supervisor Kennedy responded that this is a confidential item and should be discussed by the parties in question. There has been a grievance and ask for disciplinary action on one to the town officials. This should be discussed in private to protect the integrity of both individuals.

five (5) Ayes — Carried

David J. Shenk
David J. Shenk, Town Clerk

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1993-36

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 6th day of October, 1993 at 7:30 o'clock in the evening Eastern Time there were:

Present:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Absent:

Councilman Zimmerman presented the following Resolution and moved its adoption:

WHEREAS, The Boston Cross Road, a County road situated between Boston State Road and Boston Colden Road in the Town of Boston, is also known as County Road number 443 (CR 443); and

WHEREAS, The County of Erie has undertaken a project to reconstruct the Boston Cross Road at the County's expense for the continued use of the Road as County Road 443 (or a part thereof) in the County highway system under project number RWP-443-91; and

WHEREAS, In order to maintain the Road as a County Road, the project was required to meet minimum County specifications for lane width, shoulder width and drainage facilities; and

WHEREAS, The current width and configuration of Boston Cross Road would have to be considerably altered to meet the minimum County highway specifications and would have resulted in considerable inconvenience to residents living on the Boston Cross Road and would have further necessitated the relocation of approximately two thousand seven hundred feet (2700') of water line at a cost to Boston Water District # 1 of over $130,000.00; and

WHEREAS, The reconstruction of the Boston Cross Road to specifications suitable to the Town of Boston does not require such extensive increases in width of pavement and shoulder together with

extensive waterline relocations necessitated by the profile of the said Road; and

WHEREAS, With the construction of the Rice Road Interchange by the State of New York, Boston Cross Road will no longer function as a County Road since inter-municipal traffic will be routed over Boston-Colden Road, which is also a County Road; and

WHEREAS, The County of Erie and the Town of Boston have entered into negotiations wherein and whereby the County would reconstruct Boston Cross Road to standards acceptable to the Town of Boston and thereafter the Town of Boston would accept said Road as a Town Road pursuant to Highway Law § 115-b; and

NOW THEREFORE, BE IT

RESOLVED: that the Town of Boston herein agrees to accept Boston Cross Road as a Town Road upon the completion of its reconstruction by the County of Erie upon the following terms and conditions:

1. That the County of Erie reconstruct Boston Cross Road along the same profile as set forth in project number RWP-443-91

2. That the County of Erie install the drainage system as originally outlined in the aforesaid project number;

3. That the County of Erie construct a road base and depth pavement in accordance with the plans and specifications of the Town and in consultation with the Town Engineer at the width and depth and in such manner as shown on the cross section attached to this Resolution as Exhibit A and made a part hereof;

4. That the County of Erie relocate any water lines, within the Boston Cross Road right of way so that same are situated within the said right of way but not underneath the paved portion of said Road, at the County's expense.

and be it further

RESOLVED: That the Town Board of the Town of Boston urges the County of Erie to improve Mill Street in the Town of Boston from Boston State Road to Back Creek Road (said road also being known as part of County Road 543) so that the Town of Boston can consider acceptance of same as a Town Highway, and be it further

RESOLVED: That the Town Board of the Town of Boston urges the County of Erie to reconstruct Mill Street (which was re-named from Pfarner Road and which is also a part of County Road 543) from Back Creek Road to West Tillen Road after completion of the Rice Road Interchange Project so that the Town Board can consider acceptance of same as a Town Highway.

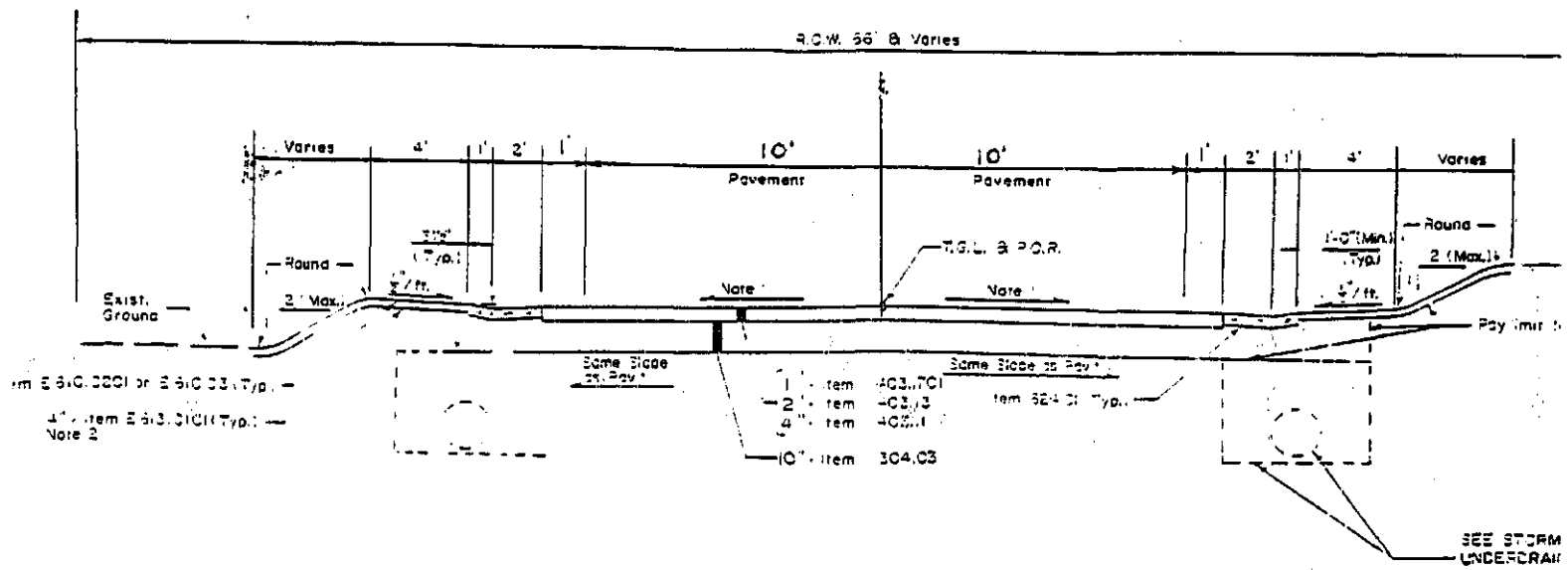
Seconded by **Councilman Wittmeyer** and put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES:FIVE(5) **NOES:NONE(0)** **ABSENT:NONE(0)**

David J. Shenk-Town Clerk

A:\BOS-CROS.ACC:TOB-5



MODIFIED SECTION- **NORMAL CROWN**

BOSTON CROSS ROAD
and
SMOLINSKI DRIVE
(NOT TO SCALE)

EXHIBIT "A"

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 6, 1993 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley, and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to accept the correction and adoption of the minutes of the September 15, 1993 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #10 dated October 6, 1993 in the amount of $43,229.27 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the Highway Bills on Abstract #10 dated October 6, 1993 in the amount of $15,957.93 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to accept the Town Clerk's Report for September 1993.

five (5) Ayes — Carried

Letter received from NYSDOT, Re: Reducing speed limit on Chestnut Ridge Road from Ward Road to Boston State Road and Eleven areas within the Town of Boston received and on file in the Clerk's Office.

Councilman Wittmeyer, Traffic Safety Committee commented in response to the letter from NYSDOT that this is the last step as the State does a study and it will be at least six months before we hear any more.

Letter received from Senator Dale Volker, Re: New York State Emergency Assistance Program to help localities deal with natural disasters. Plan must be on file before December 31, 1993.

Supervisor Kennedy commented that we do have two (2) disaster plans in place. We have a Haz/Mat and a regular disaster plan. The regular disaster plan will be revised with the cooperation of the emergency squad and the fire companies, and we will be submitting our plan before the deadline of December 31, 1993.

Letter from Assemblyman Francis J. Pordum, congratulating the town upon receiving a grant award from the Local Government Records Management Improvement Fund.

Supervisor Kennedy acknowledged Town Clerk Shenk for his cooperation with the Grantsperson in applying for these grants money.

Letter received from Edward J. Conboy, Jr. P.E., Sr. Civil Engineer, Erie County Department of Public Works, Division of Highways, Re: Boston Cross Road defining an exception to the width of each lane which will be ten feet (10') instead of nine feet (9'), received and on file in the Clerk's Office.

RESOLUTION 1993 - 36 MODIFICATION OF ROAD DESIGN TO MEET TOWN SPECIFICATIONS -BOSTON CROSS ROAD

DDH529

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 6, 1993 — 7:30 P.M.

Letter received from Erie County Legislature Fred Marshall acknowledging receipt of the Town Board's support of E.C. Sheriff Thomas Higgins request that the vacant Sheriff's Department positions be filled. Also, copies of resolutions to this effect that Mr. Marshall cosponsored in April 1992 and May 1993, received and on file in the Clerk's Office.

Letter from Erie County Legislature Fred Marshall announcing a Food Distribution for eligible residents on October 19, 1993, from 9:00 A,M, until supplies are exhausted, received and on file in the Clerk's Office.

REQUESTS FROM THE FLOOR

Clive Rucker, Boston Cross Road: If the town does take over the Boston Cross Road will there be a weight limit, so that they can keep the big trucks from coming down the hill? There is a tremendous amount of traffic on that road. With the park there the speed of the cars and trucks coming down that road is unbelievable. I would like to see something done about this.

Supervisor Kennedy: Once it becomes a town road we do have the authority to post it. This is something that will be taken into consideration to protect the road once it is reconstructed since it will not carry the primary traffic any longer.

Councilman Wittmeyer: That could be referred to the Traffic Safety Committee they would probably recommend putting a "No Through Traffic" sign at the top of the hill bringing the traffic down the Boston - Colden Road where it belongs.

Supervisor Kennedy: With the addition of the entry to the South Boston Park at that particular location it is going to become more important that we slow traffic down there. This is something that will be considered after the construction is complete.

Supervisor Kennedy provided copies of a summary of the 1994 Fiscal Plan for the Town of Boston to all in attendance. In his efforts to control escalating costs in the Town Government he submitted a 1994 Budget which freezes all elective and appointed salaries with exception of the Dog Control Officer. The salary of the Town Supervisor was reduced from $20,500 to $10,400. The remaining $10,100 has been included in the Supervisor's personnel services section of the budget to be appropriated in any manner the new Town Board so designates.

This is the third straight year that both the General Fund taxes and the Highway taxes have remained the same even though we have experienced substantial increase in many areas of the Town Budget.

All the Special District taxes will remain the same as last year with the exception of the ambulance district. OSHA requirements and the need for a new ambulance are the primary reasons for an increase of $.05 from a year ago.

The 1994 Preliminary Budget and Summary of the 1994 Budget were read by Supervisor Kennedy. There were no questions or comments.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the 1994 General Fund Preliminary Budget be approved as follows:

Appropriations	$936.236.00
Less Estimated Revenue	514,300.00
Less Unexpended Balance	249,000.00
Amount to be Raised by Taxes	172,939.00

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 6, 1993 — 7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the 1994 Highway Fund Preliminary Budget be approved as follows:

Appropriations	$721,715.00
Less Estimated Revenue	283,300.00
Less Unexpended Balance	20,000.00
Amount to be Raised by Taxes	418,415.00

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers that the 1994 Fire Protection Preliminary Budget be approved as follows:

Appropriations	$461,929.00
Less Estimated Revenue	0.00
Less Unexpended Balance	6,000.00
Amount to be Raised by Taxes	455,929.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the 1994 Light District Preliminary Budget be approved as follows:

Appropriations	$ 19,000.00
Less Estimated Revenue	0.00
Less Unexpended Balance	500.00
Amount to be Raised by Taxes	18,500.00

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy that the 1994 Ambulance Preliminary Budget be approved as follows:

Appropriations	$ 58,515.00
Less Estimated Revenue	0.00
Less Unexpended Balance	0.00
Amount to be Raised by Taxes	58,515.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that the 1994 Refuse and Garbage Preliminary Budget be approved as follows:

Appropriations	$505,245.00
Less Estimated Revenue	0.00
Less Unexpended Balance	5,182.00
Amount to be Raised by Taxes	500,063.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers that the 1994 Sewer District #2 Preliminary Budget be approved as follows:

Appropriations	$ 1,211.00
Less Estimated Revenue	0.00
Less Unexpended Balance	0.00
Amount to be Raised by Taxes	1,211.00

five (5) Ayes — Carried

DDH529

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 6, 1993 — 7:30 P.M.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the 1994 Water District #1 Preliminary Budget be approved as follows:

Appropriations	$101,000.00
Less Estimated Revenue	0.00
Less Unexpended Balance	70,000.00
Amount to be Raised by Taxes	31,000.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the 1994 Water District #2 Preliminary Budget be approved as follows:

Appropriations	$101,092.00
Less Estimated Revenue	0.00
Less Unexpended Balance	60,000.00
Amount to be Raised by Taxes	41,092.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to schedule a Public Hearing on November 3, 1993 at 8:00 P.M. for the 1994 Preliminary Budget.

five (5) Ayes — Carried

Town Clerk Shenk provided the Board Members with sample legislation that may be instrumental in the processing of adopting Local Law #1.

Town Attorney Perley delivered to the Board Members the starting point for procedures that might be used to implement Local Law #1 if it is adopted.

Supervisor Kennedy commented that Councilman Flowers has done an exemplary thing in offering this legislation. There are some problems and we all recognize that these will have to be addressed before we can pass this legislation. We will ask for more time possibly until the next meeting, if we are not ready then, it will be tabled until November. We are definitely going forward with some kind of legislation.

Councilman Flowers stated that the Town Attorney has presented a very good procedure and feels that this along with the documentation provided by the Town Clerk should be reviewed before any decisions are made.

A motion was made by Councilman Flowers and seconded by Councilman Wittmeyer to table Local Law #1 until the October 20, 1993 Regular Meeting.

five (5) Ayes — Carried

Letter received from Kevin Hesse, 6657 Redwing Drive, requesting permission to open cut Redwing Drive to connect sewer line.

Town Attorney Perley advised that a Public Improvement Permit Application has to go to the Town Engineer and the Highway Superintendent for review.

Request for Annual License from John Falkides owner of Boston Hills Estates tabled from the September 15, 1993 Regular Meeting.

Supervisor Kennedy stated that Mr & Mrs. Falkides have graciously consented to install the required barricade guard rail at the north entrance roadway to the Boston Hills Homes.

TOWN OF BOSTON

1993 - 37

YOUTH SERVICE AND YOUTH INITIATIVE PROGRAM

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 6th day of October, 1993 at 7:30 P.M. Eastern Daylight Savings Time, there were

Present:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Boston does hereby authorize the Supervisor of said Town to apply for State Aid for the Town of Boston Recreation, Youth Service and Youth Initiative programs.

Seconded by Councilman Zimmerman and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

David J. Shenk, Town Clerk

TOWN OF BOSTON

1993 - 38

OUT OF DISTRICT WATER CUSTOMER

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 6th day of October, 1993 at 7:30 P.M. Eastern Daylight Savings Time there were

Present:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Councilman Wittmeyer presented the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of Boston, Erie County, New York hereby consents and approves that public water service be furnished to the following property owner, at the address set opposite his name, as follows:

SBL ACCOUNT NUMBER	NAME	ADDRESS
212.00-1-21	Michael Marshall	7099 WARD RD

By Water District #17 of the Town of Orchard Park as an out-of-district customer, and that the Town Board further consents and approves that in the event of a default in payment with respect to said water service should result in said sum or sums as may be unpaid may be placed on the tax rolls in the Town of Boston for collection thereof, and be it further

RESOLVED, that when and if the Town of Boston forms a Water District to service the area in which this petitioner resides, that this petitioner be and is hereby obligated to join the Town of Boston Water District, and be it further

RESOLVED, that if the Town of Orchard Park Water District involved is under Lease Management with the Erie County Water Authority that the permission granted above be and hereby is subject to the approval of the Erie County Water Authority's Engineering and Tariff requirements.

Seconded by Councilman Zimmerman and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 6, 1993 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve the Boston Hills Estates Annual License to expire June 30, 1994.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to approve the new lots #7, #9, and #22 at the Boston Hills Estates provided that they are in conformance with the Code Enforcement Officers inspection, that he be directed to issue Temporary Certificates of Occupancy. When this area is complete there will be more work done on the roadway.

five (5) Ayes — Carried

John and Katherine Falkides submitted photocopies of a petition with one hundred and seventy-two (172) signatures requesting that the Town Board take the following action:

1) Reduce the Speed Limit on Boston State Road in vicinity of Boston Hills Estates from 55 mph to 40 mph.
2) Change order to close North entrance to Boston Hills Homes.
3) Eliminate annual fee of $15.00 per home assessed against manufactured homes in Boston.
4) Eliminate the annual inspection of manufactured housing communities in Boston.

Received and on file in the Clerk's Office.

Supervisor Kennedy commented that there are a number of items in this petition and would like to give all the Board Members an opportunity to review what has been stated in this petition and to respond to them.

Councilman Wittmeyer commented on the speed limit request, that an extensive study was done on the Boston State Road about five years ago to get the speed limit reduced to 45 mph from town line to town line. We were denied that at that time. He suggested that maybe we should keep resubmitting this request until it is granted. It takes six months or more to get a study completed.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to submit an application to Erie County asking that the speed limit on the areas of Boston State Road that are 55 mph be reduced from 55 mph to 45 mph.

five (5) Ayes — Carried

Supervisor Kennedy with regards to the other items in the petition the town has to study them and make a decision based on what their findings are. There has never been a problem nor would there be a problem with any of the fire companies getting down the roadway as it presently exists. These items will have to be thought out and action taken at a later date.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to renew the contract with Jean O'Connell & Associates, Grants Consultants to expire October 22, 1994 at the sum of $14,400 payable $1,200 per month.

five (5) Ayes — Carried

RESOLUTION 1993 - 37 YOUTH SERVICE & YOUTH INITIATIVE PROGRAM

RESOLUTION 1993 - 38 OUT OF DISTRICT WATER CUSTOMER MICHAEL MARSHALL - 7099 WARD ROAD

DDH529

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 6, 1993 — 7:30 P.M.

RESOLUTION 1993 - 39 INTEGRATED WASTE SYSTEM - CONTRACT

Letter received from Don Denk. Secretary, Patchin Volunteer Fire Company regarding the scheduling of town supported or sponsored activities that are scheduled in conflict with other civic organizations, referred to Gerald O'Brien, Recreation Director.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to authorize Supervisor Kennedy after consultation with the Town Engineer to sign-off on the contractors that have finished their work on the ambulance garage addition in conformance with their contract requirements

five (5) Ayes — Carried

Supervisor Kennedy advised that there were four (4) submissions on the Lango Road water requests for proposals which were very competitive:

1) Klarberg Incorporated	$12,140.00
2) Sharco Enterprises	12,875.00
3) Mooney Excavating	12,420.00
4) Nichter Utility Construction Co Inc	16,383.00

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to award bid for Lango Road Water extension to Mooney Excavating in the amount of $12,420.00. There have been some difficulties with Klarberg Incorporated in the past, and the water district has the opportunity to deduct Mr. Mooney's proportionate share of the extension of the waterline which is a potential immediate recoupment of his share as opposed to a deferred recoupment based upon construction sometime in the future.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to reject Mr. Spors Application for Site Plan Review and refer it to Town Attorney Perley for further handling.

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for September 1993, received and on file in the Town Clerk's Office.

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to grant permission to Lisa Rood's 4H Club to conduct an Election Day Baked Good Sale in the northern end of the hallway at the Town Hall.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to grant an exception to place a manufactured home of Two thousand twenty six square feet (2,026 sq. ft.) on lot #5 of the Boston Hills Estate. An additional two feet (2') has already been added to the existing lot line from lot #4 along the entire east side. Lots on both sides are already approved. This will not set a precedent. It does not interfere with the present set-backs on either side, front or rear.

five (5) Ayes — Carried

TOWN OF BOSTON

RESOLUTION 1993-39

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

TO THE TOWN BOARD
TOWN OF BOSTON:

The undersigned herein applies for a License to collect and dispose of municipal solid waste (referred to hereinafter as "MSW") and recyclable material, and states the following:

1. Applicant's name and address, telephone number:

Integrated Waste Systems, Inc.

323 Ganson Street - Buffalo, NY 14203

(716) 821-9003

2. Applicant shall collect and dispose of municipal solid waste and recyclable materials in the following manner:

A) INSTITUTIONAL customers

i. Manner of Collection:

Recyclables - containers

MSW - none

ii. Manner and Place of Disposal:

Recyclables - IWS Recycling - Buffalo, NY

MSW - none

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - containers - Front Loader

MSW - containers - Front Loader

ii. Manner and Place of Disposal:

Recyclables - IWS Recycling - Buffalo, NY

MSW - Buffalo Transfer Station

- TOWN OF BOSTON -

APPLICATION FOR LICENSE TO COLLECT AND DISPOSE
OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS

2. (Cont'd.)

C) COMMERCIAL customers

i. Manner of Collection:

Recyclables - containers - Front Loader

MSW - containers - Front Loader

ii. Manner and Place of Disposal:

Recyclables - IWS Recycling - Buffalo, NY

MSW - Buffalo Transfer Station

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - none

MSW - none

ii. Manner and Place of Disposal:

Recyclables - none

MSW - none

3. The Applicant hereby agrees to:

(a) Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chap. 63 of the Town Code or not in conformance with this License (§63-502.B)

(b) To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (§63-502.C)

(c) To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with §63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information

(d) To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Boston Town Code.

4. That Applicant has not been adjudged or determined to have violated Chapter 63 of the Town Code within the preceding calendar year.

FEE: $100

LICENSE GRANTED BY RESOLUTION
OF THE TOWN BOARD DATED 10/6/93.

David J. Hawk
Town Clerk

Integrated Waste Systems, Inc.
(Type-in Company Name)

By: Robert Miles

Title: Manager Date: 9/14/93

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 6, 1993 — 7:30 P.M.

Supervisor Kennedy sent out five (5) submissions for the replacement of the stairway on the front of the Town Hall. He has not received any bids back. The Town Engineer has forwarded the information to Nichter Construction Company to which they have responded with a proposal of $9,340. A decision on this will be held until the October 20, 1993 meeting.

TOWN CLERK REPORT

A) Registrar of Vital Statistic Report for September 1993 on file in the Clerk's Office.

Town Clerk Shenk announced Hamburg School Tax Collection Hours to be held at the Town Hall as follows:

October 9, 1993	-	9:00	A.M.	till	3:00 P.M.
October 14, 1993	-	9:00	A.M.	till	8:00 P.M.
October 15, 1993	-	9:00	A.M.	till	9:00 P.M.

SUPERINTENDENT OF HIGHWAYS

Superintendent of Highways Ruchalski thanked the Town Board for authorizing him to attend the seminar at the New York Association of Towns in the Catskills.

The new 1994 International truck and twenty (20) ton trailer is in service, and has been put to good use hauling dozers.

The Brush pick-up will be finishing up the first phase of it this week, finishing up at the end of this month for the year.

TOWN ATTORNEY

Town Attorney Perley has received and filed all the necessary documents to send a clear title certificate to the New York State Department of Parks and Recreation for the back property at the town park.

On January 1, 1994 we will be entering the fourth year of a five year contract with BFI. Councilman Wohlhueter, Supervisor Kennedy and Town Attorney Perley met with two representative of BFI as a result of that meeting a price modification was obtained in lieu of the cost-of-living increase. There will be an increase of $2.00 per household per year. We have agreed to modification of the contract in consideration of the factors outlined to the Board subject to the Boards approval and general terms. A reduction from eight (8) trash items per week to five (5) trash items per week. A contract will be presented to the Town Board for approval and modification of the existing five (5) year contract reciting these items at the next meeting. If any of the Town Board Member at the present time have objection to this modification of the contract between now and the next meeting please inform Mr. Perley.

COUNCILMEN

Councilman Flowers attended the Chamber of Commerce Dinner and viewed a very enlightening presentation by Bob Neiderprum, Sr. Water Production Engineer, Erie County Water Authority.

Councilman Zimmerman congratulated Supervisor Kennedy on the 1994 Preliminary Budget that he presented and complimented him on being able to hold the tax at the same rate as last year.

CODE ENFORCEMENT OFFICE

A) Code Enforcement Officer's Report for September 1993, received and on file in the Clerk's Office.

DDH529

REGULAR BOARD MEETING
OCTOBER 6, 1993

TOWN HALL
7:30 P.M.

DEPUTY CODE ENFORCEMENT OFFICER

A) Deputy Code Enforcement Officer's Report for September 1993, received and on file in the Clerk's Office.

DOG CONTROL OFFICER

A) Dog Control Officer's Monthly Report for September 1993, received and on file in the Clerk's Office.

TOWN ENGINEER

A) Town Engineer's Monthly Report for September 1993, received and on file in the Clerk's Office.

SHERIFF'S REPORT

A) Erie County Sheriff's Report for August 1993, received and on file in the Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to adjourn meeting at 9:25 P.M.

David J. Shenk
David J. Shenk, Town Clerk

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 20, 1993 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to accept the correction and adoption of the minutes of the October 6, 1993 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #10A dated October 20, 1993 in the amount of $69,997.81 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve the correction of Abstract #9A dated September 15, 1993 as follows:

Voucher #703	Williamson Law Book Company		
	From:	A1110.4 Town Justice, Cont.	$4,610.80
	To:	A1110.2 Town Justice, Equip.	4,610.80
Voucher #719	Coyne Textile Services		
	From:	A5132.4 Garage	$ 143.64
	To:	A1620.4 Buildings	143.64

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers that the Highway Bills on Abstract #10A dated October 20, 1993 in the amount of $14,004.40 be paid.

five (5) Ayes — Carried

Letters received from Daniel W. Weller, Chief Forest Resource Management, NYSDEC indicating that the Small Business Administration Tree Planting Grants in the amount of $2,000 and $5,000 have been approved, received on file in the Clerk's office.

Letter received from John Agostino, NYS Disaster Preparedness Commission advising that a check will be forthcoming in the amount of $1,124.00 for emergency snow plowing assistance provided during the blizzard which occurred on March 13, 1993.

Letter received from Anthony J. Germano, NYS Disaster Preparedness Comm., Re: FEMA 3107-NY received and on file in the Clerk's office.

Letter received from James P. Keane, Commissioner, Department of Emergency Services, Re: FEMA Reimbursement - March 1993 Blizzard, received and on file in the Clerk's office.

Letter from William B. Finnernan, NYS Comm. on Cable T.V., Re: recent changes in federal law concerning cable T.V. regulation.

Supervisor Kennedy asked that the Town Attorney review this matter and that perhaps it would be to our advantage to sit down with the Cable Commission sometime in November to discuss this along with other matters.

Town Attorney Perley responded that he has been in contact with Mr. Palmisano, General Manager, NYS Commission on Cable T.V. and has indicated to him that the Town Board would like to meet with them. They will come out at your request.

DDH529

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 20, 1993 — 7:30 P.M.

Letter received from Kathleen L. Hoffman, National Fuel Company, Re: Current status of Leaseholds held by National Fuel Gas Supply Corporation in the Town of Boston, received and on file in the Clerk's office.

REQUESTS FROM THE FLOOR

Frank Lisowski, Capital Improvement Committee: I Received a note regarding the Community Hall Expansion from Carol Case Syracuse, Architect overseeing this expansion, indicating that preliminary plans would probably be ready the early part of next week at which time I will put one on file in the Town Clerk's office and one on file with the Supervisor's office. There will be a meeting of the Capital Improvements Committee on Monday and if possible I will try to have this ready by then for review and any alterations that they deem necessary. I would like to have the firm start writing specifications so that it can go out for bid as soon as possible.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to approve the Transfer of Appropriations as follows:

From:	D 5130.2	Machinery, Equip.	$4397.00
To:	D 9950.9	Transfer to Cap Proj Fd	4397.00

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to approve the Transfer of Appropriations as follows:

From:	A 1110.2	Town Justices, Equip	$ 385.00
	1110.4	Town Justices, Cont	2,000.00
	1220.4	Supervisor, Cont	5,000.00
	1355.4	Assessor, Cont	2,000.00
	1620.2	Buildings, Equip	18,000.00
	1950.4	Taxes & Assess on Real Prop	690.00
	1990.4	Contingent	270.00
	3510.4	Control of Dogs, Cont	3,150.00
	3620.4	Safety Inspection, Cont	200.00
	7110.1	Parks, Per Serv	8,000.00
	7310.1	Youth Program, Pers Serv	10,000.00
	8010.4	Zoning, Cont	200.00
	8020.4	Planning, Cont	1,000.00
			$50,895.00
To:	A 1110.1	Town Justices, Per Serv	$ 3,000.00
	1320.4	Independent Aud & Acct, Cont	8,200.00
	1620.4	Buildings, Cont	10,000.00
	1670.4	Central Print & Mail, Cont	4,000.00
	1930.4	Judgement & Claims	1,105.00
	1940.4	Purchase Land	120.00
	3510.1	Control of Dogs, Per Serv	2,150.00
	3620.1	Safety Inspection, Per Serv	200.00
	7110.4	Parks, Cont	3,000.00
	7270.4	Band Concerts	800.00
	7310.4	Youth Program, Cont	10,000.00
	7550.4	Celebrations	800.00
	7620.4	Adult Recreation, Cont	500.00
	8010.1	Zoning, Per Serv	200.00
	8020.1	Planning, Per Serv	1,000.00
	9040.8	Workmen's Compensation	1,320.00
	9060.8	Hosp & Medical Insurance	4,500.00
			$50,895.00

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 20, 1993 — 7:30 P.M.

Local Law #1 - Town Attorney Perley suggested that the Town Board table Local Law #1 in anticipation of taking action on it at the first meeting in November at which time he will have prepared for the Board Members completed resolutions containing the items that were discussed in full written textual form. He will give this to the Board Members well in advance of the meeting so that it can be discussed at the Agenda Review, then if any modifications need to be made as a result of that discussion they will be made by the meeting on Wednesday.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to table Local Law #1 until the November 3, 1993 Regular Town Board Meeting.

five (5) Ayes — Carried

A letter from Glen Orser, 7147 Chestnut Ridge Road, asking that he be considered for appointment to a Review Committee for Issuance of Building Permits when Local Law #1 has been structured, received and on file in the Clerk's office.

Councilman Wittmeyer: This letter will be taken into consideration when Local Law #1 has been passed.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to authorize the Supervisor to poll the Town Board Members when he receives four requests for proposals to reconstruct the Town Hall Front Entrance Stairs and award it at that time to the company with the lowest proposal and to go forward with the reconstruction of the Town Hall front entrance stairs.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve the issuance of a Temporary Certificate of Occupancy for lot #8 in the Boston Hills Estates Mobile Home Park, contingent upon the Code Enforcement Officer's report.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to appoint Robert J. Ganey to the Assessment Board of Review, term to expire September 30, 1998.

five (5) Ayes — Carried

Letter received from Gus Palmisano, General Manager, Adelphia Cable, Re: Free Your Mind Campaign, received and on file in the Clerk's office.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant permission to the North Boston Volunteer Fire Company to conduct a special solicitation by mail to the residents within their fire protection area to help raise monies to defray the cost of a new pumper.

five (5) Ayes — Carried

SUPERVISOR REPORT

Supervisor Kennedy received a letter from the Erie County Clerk's Office, in which a copy of a Press Release was enclosed, indicating that nearly $8,000,000.00 was distributed to twenty-five (25) towns in Erie County during October of 1993. Boston should be receiving a stipend which has been increased by 10%.

DDH529

REGULAR BOARD MEETING — TOWN HALL
OCTOBER 20, 1993 — 7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley delivered to the Town Clerk the Search for the George Drive turn-around. The deed has also been delivered to the Town Clerk's office.

Town Attorney Perley has been in contact with Nussbaumer & Clarke and their Surveyor, Mike Sendor, concerning the Crestwood Circle property and received a quotation of no more than $1,600.00 for that survey.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant permission to Town Attorney Perley to retain Mike Sendor of Nussbaumer & Clarke to do survey work on Crestwood Circle at a fee not to exceed $1,600.00.

five (5) Aye — Carried

Town Attorney Perley announced that Adelphia Cable with the new Cable Act and the pricing structure that evolved, now charge in all areas $33.00 for standard installation, even in areas where new lines are being built. This is the result of the recent Cable Policy Act.

Town Attorney Perley sent a draft of the contract recently approved in substance by the Town Board to BFI for their approval, for the modification of the existing contract to reduce the number of trash items. A copy is with the Supervisor. When this has been approved by BFI it will be submitted to the Board.

COUNCILMEN REPORT

Councilman Flowers announced that on November 5, 1993 from 9:00 A.M. till 5:00 P.M. at Chestnut Ridge Park there will be Erie County's First Annual Pesticides & Insecticides drop-off sponsored by the Department of Environment & Planning. This is for farmers, only by invitation.

Councilman Wohlhueter announced that there will be a Fall tire drop-off on November 6, 1993 from 9:00 A.M. till 2:00 P.M. between the Lions Shelter and the Highway Garage. Two (2) tires per resident. No truck tires. The Town Clerk was directed to place an ad in the Hamburg Sun, Springville Journal and the Pennysavers.

Councilman Zimmerman stated that there has been some concern voiced by the State Police regarding the Emergency Squad standard procedure of Squad Member vehicles being left at the scene of a call, more specifically on Route 219 Expressway. This has been referred to the Town Attorney who will meet with the State Police to resolve this problem.

RESOLUTION 1993 - 40 KATHY SUCHAN

RESOLUTION 1993 - 41 45 MPH SPEED LIMIT BOSTON STATE RD

ERIE COUNTY SHERIFF REPORT

A) Erie County Sheriff's Report for September 1993 received and on file in the Clerk's office.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to adjourn the meeting at 8:08 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

RESOLUTION 1993 - 40

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 20th day of October 1993 at 7:30 P.M. Eastern Standard Time there were:

PRESENT:	Richard L. Kennedy	Supervisor
	Milton F. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Councilman Zimmerman presented the following resolution and moved its adoption:

WHERE AS, Cathy Suchan, a life long resident of the Town of Boston started at Pierce and Steven in 1983 as a clerk, and

WHERE AS, over the years Cathy has been promoted to the position of Assistant Buyer, Buyer and most recently Sr. Buyer, and

WHERE AS, Cathy was the first woman to be elected as an officer of the Buffalo Area Paints and Coatings Association, and

WHERE AS, Cathy has been chosen by the Board of Directors of the National Women in Coatings Association to be the recipient of the 1993 Women in Coatings Award for the Purchasing Category, and

WHERE AS, this Prestigious Award is one of the six categories to be presented at the 7th Annual Women in Coatings Reception on October 26, 1993, in Atlanta, Georgia.

THERE FOR BE IT RESOLVED, that the Town Board of the Town of Boston along with the Citizens of Boston congratulates Cathy Suchan on her accomplishments and her Recognition of Achievement with this Award, and

BE IT FURTHER RESOLVED, that the Town of Boston wishes her continued success in her future endeavors in the years ahead.

Seconded by Supervisor Kennedy and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David G. Shenk

DAVID G. SHENK, TOWN CLERK

TOWN OF BOSTON

RESOLUTION 1993 - 41

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 20th day of October, 1993 at 7:30 P.M. Eastern Standard Time there were:

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Councilman Wittmeyer present the following resolution and moved its adoption:

BE IT RESOLVED; that the Town Board of the Town of Boston, upon the recommendation of the Traffic Safety Committee, requests that the County of Erie, Division of Highways, establish a 45 MPH speed limit in all areas of Boston State Road that are currently 55 MPH, and

BE IT FURTHER RESOLVED, that a copy of the petition submitted to the Town Board marked Exhibit "A" be made a part of this resolution (See Attached)

Seconded by Supervisor Kennedy and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

EXHIBIT A

PETITION

We, the undersigned residents of the Town of Boston, New York, hereby request that Supervisor Richard L. Kennedy, Councilman Milton I. Wittmeyer, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Mark Flowers, the Boston Town Board, take the following actions:

1. Whatever is necessary to reduce the speed limit along Boston State Road in the vicinity of Boston Hills Homes & Estates, the most densely populated area in the Town of Boston, from 55 mph to 40 mph. The 55 mph speed limit at this location constitutes a danger to the lives and welfare of the residents in that vicinity.

2. Change their order to close the North entrance to Boston Hills Homes because this imposes an unnecessary hardship on the residents and it constitutes a potential delay for fire trucks and other vehicles attempting to respond to life-threatening emergencies at this location.

3. Eliminate the annual fee of $15.00 per home assessed against manufactured homes in Boston, which is paid by the residents as a component of their lot rental fee. The Town does not charge an annual license fee against any other business or form of housing in the Town, including apartments, condos, duplexes or single family houses.

4. Eliminate the annual inspection of manufactured housing communities in Boston because the Town does not perform an annual inspection of any other business or form of housing in the Town, even though many houses and buildings in the Town are in substantially worse condition than our homes and our community.

PRINT NAME	SIGNATURE	ADDRESS
Tamra Paszkiewicz	Tamra Paszkiewicz	1 Boston Hills Hom
KENNETH F. DECKER	Kenneth F. Decker	9506 BOSTON ST RD
ALMA DSILSER	Alma Dsilser	35 BOSTON HILLS HOME
ARABELLA CANNAN	Arabella Cannan	33 Boston Hills, mobile home
EDWARD M. CLARK	Edward M. Clark	33 BOSTON ST. RD,
Billi Jo HACARD	Billi Jo Hacard	2 Boston Hills.
Jessica Knight	Jessica Knight	2 Boston HILLS
Pat Coxson	Pat Coxson	5 Boston Hill's
Blair L. Bish	BLAIR L. BISH	6 BOSTON Hills Hom
Marcel Tobia	Marcel Tobia	#11 Boston Hills Homes.

P E T I T I O N

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PRINT NAME	SIGNATURE	ADDRESS
GERALD L. CRAGE	Gerald L. Crage	119 BOSTON HILLS ESTATES HAMBURG NY 14075
BARBARA A. CRAGE	Barbara A. Crage	119 BOSTON HILLS EST., HAMBURG, NY 14075
ELEANOR Cartwright	Eleanor Cartwright	114 Boston Hills E ST. Bos, NY
Nancy A. Riley	Nancy A. Riley	115 Boston Hills Ests. Dr. Hamburg NY
MARGARET T. ABBOTT	Margaret T. Abbott	116 BOSTON HILLS ESTATES, HAMBURG, N
HERBERT M. FARROW	Herbert M Farrow	117 BOSTON HILLS EST. HAMBURG,
Debra A Farrow	Debra A Farrow	117 Boston Hills Est. Hamburg N
Aimee M. McCann	Aimee M. McCann	113 Boston Hills Est. Hamburg, N.
MARILYN DEICHMAN	Marilyn Deichman	106 Bost. Hills Est Dr.
MARK MAYESKI	Mark Mayeski	106 Boston Hills Est Dr.

P E T I T I O N

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PRINT NAME	SIGNATURE	ADDRESS
Kathleen M. Hess	Kathleen M. Hess	#3 Boston Hills
Suzanne L Phillips	Suzanne Phillips	#77 Boston Hills
Scott Phillips	Scott Phillips	#77 Boston Hills
Susan Prince	Susan Prince	#7 Boston Hills
Angela Cieslica	Angela Cieslica	#9 Boston Hills
John Fox	John Fox	#9 Boston Hills
~~Lisa~~ A. Lisa A. Bzibziak	Lisa A. Bzibziak	#10 Boston Hills
Patrick A. Bzibziak	Patrick A. Bzibziak	#10 Boston Hills
Ronald A Bell	Ronald A Bell	#13 Boston Hills
ROSALIE A BELL	Rosalie A. Bell	#13 Boston Hills

P E T I T I O N

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PRINT NAME	SIGNATURE	ADDRESS
DAVID TOBIA		11 Boston Hills Homes
Robert S. Abpkavalp		Boston H.H. 20
Dena M. Kluczynski	Dena Kluczynski	Boston Hills Homes 20
ANDREW PASZKIEWICZ	Andrew Paszkiewicz	1 BOSTON HILLS HOMES 1
	JOHN E. WITTER	27 BOSTON HILLS HOMES
Margaret Davis	MARGARET DAVIS	25 Boston Hills Home
Al Stoddard	AL STODDARD	7898 Boston St Dal Lot #9
THERESA PFENDER	Theresa Pfender	15 Boston Homes
CARL A. STARKS	Carl A. Starks	7898 Boston St Lot #11
PATRICIA A. WIECKOWSKI	Patricia A. Wieckowski	#16

P E T I T I O N

We, the undersigned residents of the Town of Boston, New York, hereby request that Supervisor Richard L. Kennedy, Councilman Milton I. Wittmeyer, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Mark Flowers, the Boston Town Board, take the following actions:

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PRINT NAME	SIGNATURE	ADDRESS
Dean E Jones	Dean E Jones	7898 Boston St Rd
Evelyn Braymiller	E Braymiller	7898 Boston St Rd
Wilma Gang	Wilma Gang	7898 Boston St. Rd.
Dorothy Fenstermacher	Dorothy Fenstermacher	7898 Boston St Rd.
Wendy Atwill	Wendy E. Atwill	7898 Boston St Rd.
William S. Atwill	William S. Atwill	7898 Boston St. Rd
William Graham	William Graham	7898 Boston State Rd.
Wilma Graham	William Graham	7898 Boston St Rd Lot 40
Heather Fenstermacher	Heather Fenstermacher	7898 Boston State Rd
Myra Szarpa	Myra Szarpa	7898 Boston State Rd.

P E T I T I O N

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PRINT NAME	SIGNATURE	ADDRESS
DANIEL A. NOWAK	Daniel A. Nowak	7898 BOSTON STATE Rd #66
Stacey L. Nowak	Stacey L. Nowak	7898 Boston State Rd #66
MARY ANN CIOLINO	Mary Ann Ciolino	101 BOSTON ST.
WENDY ZECKER	Wendy Zecker	7898 Boston St. # 37
ANN LINDSTROM	Ann Lindstrom	7898 Boston St Rd #43
Kenneth Weber	Kenneth L Weber	7895 Boston St Rd #53
MARK WEBER	Mark C. Weber	7895 BOSTON ST RD. 53
HELEN NUESSLE	Helen Nuessle	7898 Boston State Rd. # 56
MARY LANGE	Mary Lange	7898 Boston State Rd. #55
Gil Lange	Gilbert H. Lange	" " " " "

P E T I T I O N

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PRINT NAME	SIGNATURE	ADDRESS
Michael J. Murphy	Michael J. Murphy	7898 Boston St. Rd #49
RAMONA L. MURPHY	Ramona L. Murphy	7898 Boston St Rd #49
Jennifer M. GUZDA	Jennifer Guzda	6156 Wildwood DR.
FRED P. BADELKOW	Frederick P. Badelkow	7898 Boston St. Rd.
JOSEPH A. SCHWARTZ	Joseph A. Schwartz	#32 7898 Boston State
KURT S. MEYER	Kurt S. Meyer	7898 Boston St Rd. lot 23
~~Jeff Meyer~~ Meyer	Jeff Meyer	7898 Boston St Rd. #23
Rachel A Greggoe	Rachel Greggoe	7898 Boston St Rd #29
Joan B. Anderson		7898 Boston St. Rd #30
		7898 Boston St Rd 30
(DONALD ANDERSON)		

P E T I T I O N

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PRINT NAME	SIGNATURE	ADDRESS
SONIA L DECKER	Sonia L. Decker	9506 Boston St Rd
Sean C. Decker	Sean C. Decker	9506 Boston St. Rd.
PATRICIA SIBILIA	Pat Sibilia	5065 SAENGER RD
Charles Zglinicki	Charles Zglinicki	7898 Boston St RD 45
Robin Zglinicki	Robin Zglinicki	7898 Boston St. Rd 45
Robin Conner	Robin J. Conner	7898 Boston St. RD # 44
Wendy Eberhardt	Wendy Eberhardt	7898 Boston St. Rd #71
DENNIS M EBERHARDT	Dennis M Eberhardt	7898 Boston St Rd #71
ROBERT E WHEATON	Robert E Wheaton	7898 BOSTON ST RD # 38
John P. Cox	John P. Cox	7898 Boston State Rd #17

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PRINT NAME	SIGNATURE	ADDRESS
James L Harris	James L Harris	102 Boston Hills Est. Dr
Geraldine H. Harris	Geraldine H. Harris	102 Boston Hills Est. Dr.
Richard L. Thlenfeld	Richard L. Thlenfeld	103 Boston Hills E
Charlene Carr	Charlene Carr	7846 Boston State Rd #52
Therese L Webber	Therese Webber	7898 Boston St Rd. #69
William Paluch	William Paluch	7878 Boston St Rd. #51
Anita M. Zell	Anita M. Zell	7898 Boston Rd. #54
John Bellinger	John Bellinger	7898 Boston Rd. #59
Diane M Desmeade	Diane M Desmeade	7898 Boston State Rd #59
Nadine Little	Nadine A. Little 7898	1898 Boston State Rd #58

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PRINT NAME	SIGNATURE	ADDRESS
Terry Little	Terry Little	7898 Boston St Rd #58
Patricia C. Thlenfeld	Patricia C. Thlenfeld	7898 Boston St Rd #46
Noreen Murray	Noreen Murray	7898 Boston St Rd #61
Amy Adamchick	Amy Adamchick	7898 Boston Rd #64
Christopher A Biiaru	Christopher A Biiaru	7898 #65
Antoinette Mecca -	Antoinette Mecca -	7898 Boston St Rd #4
Mike Baeumler -	Mike Baeumler -	7898 Boston St. Rd #46
Marcia Baeumler	Marcia Baeumler	7898 Boston St. Rd #46
Andrea McMillan	Andrea McMillan	7898 Boston St #42
Audrey Joyce -	Audrey Joyce	7898 Boston St Rd #41

P E T I T I O N

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PRINT NAME	SIGNATURE	ADDRESS
Evelyn R. Clyde		7898 Boston State Rd. #47
Lester Tooyville	Lester Tooyville	7898 Boston St. Rd #72
Shirley A. Mitchell		7898 Boston State Rd. #72
Donna J. Spencer		7898 Boston State Rd #73
Mary L. Williams		7898 Boston State Rd #4 Hamburg, NY 14075
Mary Jane Meyer		7898 Boston ST R.D. LT 76 Hamburg, N.Y. 14075
Tony Dugan		7898 Boston St Rd Lot 76 Hamburg NY
Tonya V. LiVecche	Tonya V. LiVecche	7898 B St Lot 14
George + Gunda Schlief		Lot 26, 7898 Boston State Rd.
Gunda Schlief	Gunda Schlief	7898 Boston State Rd.

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PRINT NAME	SIGNATURE	ADDRESS
Janice Wilson	Janice G. Wilson	7898 Boston St Rd #21
Melody Jones	Melody Jones	7898 Boston St Rd #12
THERESA HAUSER	Theresa Hauser	7898 BOSTON ST RD #67
Denise Hauser	Denise Hauser	7898 Boston St RD #67
Linda Wilkins	Linda Wilkins	7898 Boston St RD #7B
Debbie Hamann	Debbie Hamann	7898 Boston St. Rd. #8
Brett Hamann	Brett Ha—	7898 Boston St. Rd #8
Ralph Coxson	Ralph Coxson	7898 Boston St. RD Lot #5
LISA DONOVAN	Lisa Donovan	7898 BOSTON STE. RD LOT 14
Phillip Kenny	Phillip W Kenny	7898 Boston Ste Rd LT?

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PRINT NAME	SIGNATURE	ADDRESS
GARY J. FLORENO	Gary J. Floreno	7898 Boston State Rd. Lot # 62
DANIEL BARLEN	Daniel Barlen	7898 BOSTON STATE RD LOT #99
DAVID SHAFFER	David Shaffer	7898 BOSTON STATE RD 41
RONALD T. BINGA	Ronald T. Binga	" 10 " #75
Edith C. Roll	Edith C. Roll	7898 Boston St Rd Lt 70
Rodney D. Roll	Rodney D. Roll	" " " "
PAUL FLYNN	Paul Flynn	7898 Boston St. Rd. Lt. 57
KINGE HALL	Kinge Hall	7898 Boston St Rd 60

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PRINT NAME	SIGNATURE	ADDRESS
Leo E. Molenda	Leo E Molenda	8229 Boston State Rd Lot #12 Hamburg, N.Y. 14075-9328
Micehalina Koszyk	Michalina Koszyk	" LOT 10
Pamela J. Kelly	Pamela J Kelly	8229 Boston Rd. Hmb. LOT 31
Donald N. Kelly	Donald N Kelly	(52)
Stella M Elliott	Stella Elliott	8229 Boston St. Rd. #22
Robert T. Gorney	Robert T. Gorney	8229 Boston State Rd #15.
Cindy A. Gorney	Cindy Gorney	8229 Boston State Rd #26
Lawrie Gier	Lawrie Gier	" " #19
Terry Kieffer	Terry Kieffer	Lot 64 8229 Boston State Rd. Hmbg.
Donald Dust	DONALD DUST	8229 BOSTON STATE RD HAMBURG (LOT 14)

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PRINT NAME	SIGNATURE	ADDRESS
Walter H. Obrochta	Walter H Obrochta	8237 Boston St Rd.
Mary K. Donaldson	Mary K Donaldson	8229 Boston St Rd #B-3
Deborah Schneider	Deborah Schneider	8229 Boston St Rd #1
Wilson Smith	Wilson Smith	8229 Boston St Rd #1
TIM O'MEARA	Tim O'Mear	8229 Boston St Rd #2
Eugene Trice	Eugene Trice	8229 Boston State #7
[illegible]	[illegible]	8229 Boston St. Rd. #9
[illegible]	[illegible]	8229 Boston St Rd #5
JACK E DONALDSON	Jack E Donaldson	8229 Boston St Rd LOT 33
RONALD W. WAHLEN	Ronald Wahlen	8229 Boston LOT. 67

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PRINT NAME	SIGNATURE	ADDRESS
SUSAN Keller	Susan Keller	8229 Boston State Rd #41
JOSEPH KELLER	Joseph Keller	8229 Boston St. Rd. #41
Sharon Witkopf	Sharon Witkopf	8229 Boston St Rd #42
Brian Harris	Brian Harris	8229 Boston S.t. Rd. #53
MANUEL BATTAGLIA	Manuel Battaglia	" " Lot 52
Richard Chambers	Richard Chambers	8229 Boston State Rd LOT 55
VERA BENNETT	Vera Bennett	8229 Boston St. MOBILE HOME Lot 58
Wayne Hall	Wayne Hall	2228 Lower East Hill Rd Colden 14033
Paul Canon		8229 BOSTON ST, Rd. 49
Richard Smith	RICHARD SMITH	8229 Boston Rd. #45

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PRINT NAME	SIGNATURE	ADDRESS
Michael F. Sinnott	Michael F. Sinnott	6352 Potchin Rd,
Francis E. Harris	FRANCIS E HARRIS	8229 Boston St Rd. 61
CHRISTINE HARRIS	Christine Harris	8229 Boston St. Rd. 61
David M Kennedy	David M Kennedy	8229 Boston St. Rd #5
DOLORES J. SMITH	Dolores J. Smith	109 Boston Hills Estates Dr.
Gary L. Smith	Gary L Smith	109 Boston Hills Estates Dr.
Ellie R. Zuppinger	Eleanor R. Zuppinger	#122 Boston Hills Estates dr.
Edmund J Zuppinger	Edmund J Zuppinger	#122 Boston Hills Estates Dr.
Anne M. Mathis	[illegible]	6355 Boston State Rd. 35 Hamburg N.

PETITION

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PRINT NAME	SIGNATURE	ADDRESS
PAUL COTTEN	Paul Cotten	8229 Boston State RD #65 Hamburg N.Y
SCOTT BARROW	Scott Barrow	8229 BOSTON ST. RD. #34 HAMBURG
NANCY BARROW	Nancy Barrow	8229 Boston State Rd #34 Hamb.
Dominic J. MARIOTTI	Dominic J. Mariotti	8229 Boston st RD #31 HAMB.
DIANE M MARIOTTI	Diane M Mariotti	8229 Boston St Rd #31 Hamb.

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 3, 1993 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley, and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to accept the correction and adoption of the minutes of the October 20, 1993 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #11 dated November 3, 1993 in the amount of $23,019.20 be paid.

Dbl Correction pg 3561

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to approve the correction of Abstract #10A dated October 20, 1993 as follows:

Voucher # 846 - Michael F. Perley, Esq.

From:	H7110.2	Boston Town Park Improv Project	$346.00
To:	H7110.2	Boston Town Park Improv Project	316.00
	A1420.4	Attorney, Cont.	30.00

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy that the Highway Bills on Abstract #11 dated November 3, 1993 in the amount of $9,068.59 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to accept the Town Clerk's Report for October 1993.

five (5) Ayes — Carried

Notice from State Senate Committee on Local Government informing of a Public Hearing at Stewart Airport in Newburgh, New York on November 18, 1993, 11:00 A.M. to hear public comments on "The Role of New York State in Geographic Information Systems (GIS)", received and on file in the Town Clerk's Office.

Letter from Robert Mendez, Commissioner Erie County Department of Senior Services giving notice of scheduled meetings to outline the several changes being made in the 1993-94 HEAP Program.

Supervisor Kennedy commented that applications for these meetings are on file in the Town Clerk's Office.

Letter received from Michael Faloney, Accounting Manager for Adelphia Cable, with regard to our semi-annual franchise check in the amount of $17,854.89.

Supervisor Kennedy commended the Town Attorney for the work he has done with our agreement with Adelphia Cable.

Letter received from David M. Regan, 7420 Chestnut Ridge Road, expressing his interest to serve on the East Hill Review Committee for Buildings, received and on file in the Town Clerk's Office.

Supervisor Kennedy commented that action on this letter can not be taken until this Committee has been officially formed.

UDH529

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 3, 1993 — 7:30 P.M.

Town Attorney Perley commented that he has provided for the Town Board Members, the final draft, including a Sunset Provision to expire Local Law #1 on May 31, 1994 unless extended by the Town Board adopting a resolution.

Supervisor Kennedy commented that the Sunset Provision has been placed to test this Local Law for its ability to be implemented.

A motion was made by Councilman Flowers and Seconded by Councilman Zimmerman to Adopt Local Law #1 1993.

five (5) Ayes — Carried

RESOLUTION 1993 - 42 EAST HILL WATER REVIEW COMMITTEE

Councilman Flowers extended his thanks to Town Attorney Perley for his work on Local Law #1 1993.

Letter from William Nellis, President of Erie County Assessors Association, with regard to the sale of Assessor Information to vendors.

RESOLUTION 1993 - 43 SALE OF ASSESSOR DATA

Letter from Browney & Marion Czajka requesting a variance to build a 15' x 20' garage on Lot #5 at Boston Hills Estates.

Supervisor Kennedy commented that in the current Mobile Home Courts Law, a garage is considered living space. The Czajka's have stated in their letter that the garage will not be used as living space.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the request of Browney & Marion Czajka be referred to the Planning Board for their review and comment, and also seek comment on the current Mobile Home Courts Law that an enclosed garage is in fact living space.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to issue the final payment to Klarberg, Inc. on the South Boston Park Drainage Project and to approve the following transfers:

From:	A8020.4	Planning, Cont	$3,482.76
To:	A9950.9	Trans to Capt Proj.	$3,482.76
From:	A1620.4	Building, Cont	$500.00
To:	A1620.2	Building, Equip	$500.00

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for October 1993, received and on file in the Town Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to Authorize Supervisor Kennedy to sign an agreement to have T.V.G.A. to do all engineering work required to obtain a feasibility study on the extension of the water lines across Keller Road and establish a site for a new Pump Station and Water Tank to boost the pressure as needed. This would be in the amount of $2,500.00 and billed to Water District #2.

five (5) Ayes — Carried

TOWN BUDGET

FOR 1994

TOWN OF BOSTON

IN

COUNTY OF ERIE

CERTIFICATION OF TOWN CLERK

I, DAVID J. SHENK, Town Clerk, certify that the following is a true and correct of the 1994 budget of the TOWN OF BOSTON as adopted by the Town Board on the 3rd day of November, 1993.

Signed, David J. Shenk
Town Clerk

Dated 11-04-93

SUMMARY OF TOWN OF BOSTON BUDGET - 1994

		APP/OTH USES	-EST REVENUE	-UNEXP BAL	RSD BY TAX
A	GENERAL	936,236.00	514,300.00	249,000.00	172,936.00
D	HIGHWAY	721,715.00	283,300.00	20,000.00	418,415.00
SF	FIRE PROTEC	461,929.00	0.00	6,000.00	455,929.00
SL	LIGHT	19,000.00	0.00	500.00	18,500.00
SM	AMBULANCE	58,515.00	0.00	0.00	58,515.00
SR	REFUSE & GARB	505,440.00	0.00	5,184.00	500,256.00
SS	SEWER #2	1,211.00	0.00	0.00	1,211.00
SW	WATER #1	101,000.00	0.00	70,000.00	31,000.00
SW	WATER #2	101,092.00	0.00	60,000.00	41,092.00
TOTALS		2,906,138.00	797,600.00	410,684.00	1,697,854.00
					1,697,854.00

GENERAL GOVERNMENT SUPPORT - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	PRE 94	ADOPT 94
TOWN BOARD					
Pers Serv	1,010.1	22,000	23,200	23,200	23,200
Contractual	1,010.4	1,478	3,600	3,000	3,000
Total		23,478	26,800	26,200	26,200
JUSTICE					
Pers Serv	1,110.1	41,374	41,575	45,475	45,475
Equipment	1,110.2	0	5,000	1,500	1,500
Contractual	1,110.4	5,225	5,325	4,800	4,800
Total		46,599	51,900	51,775	51,775
SUPERVISOR					
Pers Serv	1,220.1	38,694	37,900	51,400	51,400
Equipment	1,220.2	467	1,500	500	500
Contractual	1,220.4	14,640	13,500	10,500	10,500
Total		53,801	52,900	62,400	62,400
IND AUDIT					
Contractual	1,320.4	0	0	6,000	6,000
Total				6,000	6,000
ASSESSOR					
Pers Serv	1,355.1	28,130	30,725	31,225	31,225
Equipment	1,355.2	2,475	1,000	1,000	1,000
Contractual	1,355.4	7,303	8,475	5,500	5,500
Total		37,908	40,200	37,725	37,725
TOWN CLERK					
Pers Serv	1,410.1	43,282	44,650	44,950	44,950
Equipment	1,410.2	100	500	500	500
Contractual	1,410.4	6,658	6,500	3,500	3,500
Total		50,040	51,650	48,950	48,950
ATTORNEY					
Pers Serv	1,420.1	29,600	32,800	32,800	32,800
Contractual	1,420.4	1,323	3,700	3,700	3,700
Total		30,923	36,500	36,500	36,500
ENGINEER					
Contractual	1,440.4	10,705	10,000	12,000	12,000
Total		10,705	10,000	12,000	12,000
ELECTIONS					
Pers Serv	1,450.1	7,227	5,905	5,905	5,905
Contractual	1,450.4	811	1,400	2,295	2,295
Total		8,038	7,305	8,200	8,200
REC MANAGE					
Pers Serv	1,460.1	0	1,000	1,000	1,000
Equipment	1,460.2	0	3,000	3,000	3,000
Contractual	1,460.4	0	2,000	2,000	2,000
Total		0	6,000	6,000	6,000

GENERAL GOVERNMENT SUPPORT - 1994 BUDGET

BUILDINGS					
Pers Serv	1,620.1	6,214	8,575	8,000	8,000
Equipment	1,620.2	3,854	18,000	10,000	10,000
Contractual	1,620.4	32,734	35,000	44,000	44,000
Total		42,802	61,575	62,000	62,000
CENT GARAGE					
Equipment	1,640.2	0	0	0	0
Contractual	1,640.4	938	1,500	1,500	1,500
Total		938	1,500	1,500	1,500
CENT COMMUN					
Equipment	1,650.2	1,000	0	0	0
Contractual	1,650.4	0	500	500	500
Total		1,000	500	500	500
CENT PR & MAIL					
Contractual	1,670.4	6,672	8,500	17,000	17,000
Total		6,672	8,500	17,000	17,000
SPECIAL ITEMS					
Unalloc Insur	1,910.4	65,667	75,000	70,000	70,000
Munic Assn Dues	1,920.4	945	1,400	1,400	1,400
Judge & Claims	1,930.4	512	172	30	30
Purchase/Land	1,940.4	0	0	0	0
Tx&Asses Tn Prop	1,950.4	2,388	3,200	2,600	2,600
Unclassified	1,989.4	0	100	0	0
Contingent Acct	1,990.4	0	18,000	20,000	20,000
Total		69,512	97,872	94,030	94,030
TOTAL GEN GOVT SUPPORT		382,416	453,202	470,780	470,780

PUBLIC SAFETY - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	PRE 94	ADOPT 94
POL & CONSTABLES					
Pers Serv	3,120.1	2,800	2,900	0	0
Contractual	3,120.4	528	600	600	600
Total		3,328	3,500	600	600
TRAFFIC CONTROL					
Contractual	3,310.4	3,305	3,000	3,000	3,000
Total		3,305	3,000	3,000	3,000
CONTROL OF DOGS					
Pers Serv	3,510.1	4,000	5,150	8,250	8,250
Equipment	3,510.2	0	500	1,000	1,000
Contractual	3,510.4	3,865	8,000	5,400	5,400
Total		7,865	13,650	14,650	14,650
SAFETY INSPEC					
Pers Serv	3,620.1	11,866	12,300	12,300	12,300
Contractual	3,620.4	71	1,000	1,000	1,000
Total		11,937	13,300	13,300	13,300
TOTAL PUBLIC SAFETY		26,435	33,450	31,550	31,550

HEALTH - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	PRE 94	ADOPT 94
REG VIT STATS					
Contractual	4,020.4	6	25	25	25
Total		6	25	25	25
PUBLIC HEALTH					
Contractual	4,189.4	17	0	0	0
Total		17	0	0	0
TOTAL HEALTH		6	25	25	25

TRANSPORTATION - 1994 BUDGET

	CODE	ACT 92	BUDGET 93	PRE 94	ADOPT 94
SUPT HIGHWAYS					
Pers Serv	5,010.1	34,000	36,025	36,025	36,025
Contractual	5,010.4	2,284	1,575	2,500	2,500
Total		36,284	37,600	38,525	38,525
GARAGE					
Equipment	5,132.2	335	0	0	0
Contractual	5,132.4	13,641	18,500	18,500	18,500
Total		13,976	18,500	18,500	18,500
STREET LIGHTING					
Contractual	5,182.4	26,413	26,700	28,000	28,000
Total		26,413	26,700	28,000	28,000
TOTAL TRANSPORTATION		76,673	82,800	85,025	85,025

ECONOMIC ASSISTANCE & OPPORTUNITY - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	PRE 94	ADOPT 94
PUBLICITY					
Contractual	6,410.4	1,038	1,000	1,000	1,000
Total		1,038	1,000	1,000	1,000
PROG FOR AGING					
Contractual	6,772.4	793	2,500	2,500	2,500
Total		793	2,500	2,500	2,500
TOTAL ECONOMIC ASSISTANCE & OPPORT		1,831	3,500	3,500	3,500

CULTURE & RECREATION - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	PRE 1994	ADOPT 94
PARKS					
Per Serv	7,110.1	23,634	39,100	40,000	40,000
Equipment	7,110.2	2,987	6,000	6,000	6,000
Contractual	7,110.4	7,116	8,900	9,000	9,000
Total		33,737	54,000	55,000	55,000
PLAY & REC CENTERS					
Per Serv	7,140.1	3,614	4,000	5,000	5,000
Contractual	7,140.4	2,060	5,000	6,000	6,000
Total		5,674	9,000	11,000	11,000
YOUTH PROGRAM					
Pers Serv	7,310.1	41,228	52,400	53,000	53,000
Contractual	7,310.4	41,546	34,400	35,000	35,000
Total		82,774	86,800	88,000	88,000
HISTORIAN					
Equipment	7,510.2	0	1,200	1,200	1,200
Contractual	7,510.4	2,044	850	850	850
Total		2,044	2,050	2,050	2,050
HISTORICAL PROPERTY					
Contractual	7,520.4	3,400	3,800	3,900	3,900
Total		3,400	3,800	3,900	3,900
CELEBRATIONS					
Contractual	7,550.4	7,231	800	1,000	1,000
Total		7,231	800	1,000	1,000
ADULT RECREATION					
Contractual	7,620.4	5,600	5,700	6,000	6,000
Total		5,600	5,700	6,000	6,000
BAND CONCERTS					
Contractual	7,270.4	1,425	900	1,600	1,600
Total		1,425	900	1,600	1,600
TOTAL CULTURE - RECREATION		141,885	163,050	168,550	168,550

HOME & COMMUNITY SERVICE - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	PRE 94	ADOPT 94
ZONING					
Pers Serv	8,010.1	775	600	600	600
Contractual	8,010.4	969	2,000	1,800	1,800
Total		1,744	2,600	2,400	2,400
PLANNING					
Pers Serv	8,020.1	1,999	1,500	2,000	2,000
Contractual	8,020.4	3,420	10,500	10,500	10,500
Total		5,419	12,000	12,500	12,500
CONSERVATION					
Pers Serv	8,710.1	302	700	700	700
Contractual	8,710.4	1,164	1,500	1,200	1,200
Total		1,466	2,200	1,900	1,900
CEMETERIES					
Pers Serv	8,810.1	0	900	900	900
Contractual	8,810.4	0	100	200	200
Total		0	1,000	1,100	1,100
HOME/COM SER					
Pers Serv	8,989.1	0	0	0	0
Equipment	8,989.2	0	0	0	0
Contractual	8,989.4	8,863	8,000	8,800	8,800
Total		8,863	8,000	8,800	8,800
TOTAL HOME & COMMUNITY SERVICES		17,492	25,800	26,700	26,700

UNDISTRIBUTED - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	PRE 94	ADOPT 94
UNDISTRIBUTED					
EMPLOYEE BENEFITS					
State Retirement	9,010.8	508	25,000	25,000	25,000
Social Security	9,030.8	26,185	28,000	29,000	29,000
Workmens Comp	9,040.8	5,947	6,500	12,000	12,000
Unemploy Insur	9,050.8	5,006	1,000	1,000	1,000
Disability Insur	9,055.8	315	500	500	500
Hosp & Med Insur	9,060.8	13,379	15,000	20,000	20,000
Total		51,340	76,000	87,500	87,500
DEBT SERVICE					
PRINCIPAL					
Serial Bonds	9,710.6	25,000	30,000	30,000	30,000
Bond Anticipation	9,730.6	0	0	20,000	20,000
Rev Anticipation	9,770.6	0	0	0	0
Total		25,000	30,000	50,000	50,000
DEBT SERVICE					
INTEREST					
Serial Bonds	9,710.7	16,797	14,490	12,420	12,420
Bond Anticipation	9,730.7	0	0	3,186	3,186
Rev Anticipation	9,770.7	0	0	0	0
Total		16,797	14,490	15,606	15,606
INTERFUND TRANSFER					
Risk Retention	9,901.9	4,000	4,400	0	0
Cap Proj Fund	9,950.9	100,500	0	0	0
Total		104,500	4,400	0	0
TOT UNDISTRIBUTED		197,637	124,890	153,106	153,106

TOTAL APPROPRIATIONS - 1994 BUDGET

	ACT 1992	1993 BUDGET	PRE 1994	ADOPT 1994
SUMMARY				
GEN GOVT	382,416	453,202	470,780	470,780
PUB SAFETY	26,435	33,450	31,550	31,550
HEALTH	23	25	25	25
TRANSPORTATION	76,673	82,800	82,025	82,025
EC ASSIS & OPPOR	1,831	3,500	3,500	3,500
CULTURE & REC	141,885	163,050	168,550	168,550
HOME & COMM SERV	17,492	25,800	26,700	26,700
UNDISTRIBUTED	197,637	124,890	153,106	153,106
TOT APPROPRIATIONS	844,392	886,717	936,236 *	936,236

*TRANSFER TO PAGE 2

GENERAL FUND ESTIMATED REVENUES - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	PRE 1994	ADOPT 94
OTHER TAX ITEMS					
Int/Pen R/Prop Tax	A1090	11,746	6,000	6,000	6,000
Non Prop Tax, Co	A1120	354,412	265,000	275,000	275,000
Franchises	A1170	29,946	18,000	19,000	19,000
DEPARTMENTAL INCOME					
Clerk Fees	A1255	3,085	750	800	800
Dog Control Fees	A1550	285	250	275	275
Park & Rec Charges	A2001	25,000	25,000	25,000	25,000
Oth Culture & Rec	A2089	1,050	0	0	0
Zoning Fees	A2110	1,470	750	800	800
Plan Bd Fees	A2115	75	0	0	0
USE MONEY/PROPERTY					
Interest & Earnings	A2401	18,902	10,000	10,000	10,000
Rent R/Prop	A2410	26,147	27,300	27,300	27,300
Commissions	A2450	19	0	0	0
Games of Chance	A2530	602	0	0	0
Bingo Licenses	A2540	1,182	1,000	1,000	1,000
Dog Licenses	A2544	3,489	4,000	3,800	3,800
Licenses, Other	A2545	2,265	1,200	1,400	1,400
Building Permits	A2555	6,899	3,800	3,800	3,800
Permits, Other	A2590	340	0	0	0
FINES & FORFEITURES					
Fines/Forfeit Bail	A2610	76,589	75,000	75,000	75,000
COMPENSA FOR LOSS					
Sale of Property	A2660	1,500	0	0	0
Sale of Equipment	A2665	0	0	0	0
Insur Recoveries	A2680	0	0	0	0
Oth Comp for Loss	A2690	0	0	0	0
MISCELLANEOUS					
Refunds Pr Yr Exp	A2701	375	0	0	0
Gifts/Donations	A2705	1,288	0	0	0
Miscellaneous	A2770	0	0	125	125
TOTAL EST REV FROM LOCAL SOURCES		566,666	438,050	449,300	449,300

GEN FUND EST REVENUE - 1994 - PAGE 2

	CODE	ACT 92	93 BUDGET	PRE 1994	ADOPT 94
STATE AID					
Per Capita	A3001	34,793	0	5,000	5,000
Mortgage Tax	A3005	111,861	60,000	60,000	60,000
Record Management	A3060	224	0	0	0
Rec for Aging	A3801	5,765	0	0	0
Youth Programs	A3820	1,275	0	0	0
Code Enforcement	A3995	0	0	0	0
Other	A3089	0	0	0	0
TOT EST REV FROM STATE AID		153,918	60,000	65,000	65,000

REVENUE SUMMARY

TOT EST REV FROM LOCAL SOURCES	566,666	438,050	449,300	449,300
TOT EST REV FROM STATE AID	153,918	60,000	65,000	65,000
TOT EST REVENUES	720,584	498,050	514,300	514,300

ESTIMATED UNEXPENDED BALANCE

EST GENERAL FUND UNEXPENDED BALANCE (Transfer Total "Adopted" to Page 2)	210,000	220,000	249,000	249,000

HIGHWAY FUND - APPROPRIATIONS - 1994 BUDGET - PG 1

	CODE	ACT 92	93 BUDGET	PRE 1994	ADOPT 94
GEN REPAIRS					
Pers Serv	5,110.1	98,351	101,000	103,000	103,000
Contractual	5,110.4	70,283	80,000	85,000	85,000
Total		168,634	181,000	188,000	188,000
IMPROVEMTS					
Cap Outlay	5,112.2	34,726	30,000	30,000	30,000
Total		34,726	30,000	30,000	30,000
MACHINERY					
Pers Serv	5,130.1	0	0	0	0
Equipment	5,130.2	41,414	40,000	30,000	30,000
Contractual	5,130.4	92,629	85,000	90,000	90,000
Total		134,043	125,000	120,000	120,000
MISC/BR/WDS					
Pers Serv	5,140.1	0	0	0	0
Contractual	5,140.4	0	500	0	0
Total		0	500	0	0
SNOW REMOV					
Pers Serv	5,142.1	77,807	70,000	72,000	72,000
Contractual	5,142.4	43,105	45,000	45,000	45,000
Total		120,912	115.000	117,000	117,000
SER/OTH GVT					
Pers Serv	5,148.1	78,310	70,000	72,000	72,000
Contractual	5,148.4	46,083	45,000	45,000	45,000
Total		124,393	115,000	117,000	117,000
EMPLOY BEN					
State Retire	9,010.8	500	22,000	22,000	22,000
Soc Security	9,030.8	20,085	19,000	20,000	20,000
Workers Comp	9,040.8	13,872	11,000	29,500	29,500
Unemploy Ins	9,050.8	0	1,000	1,000	1,000
Disability	9,055.8	307	500	500	500
Hosp/Med Ins	9,060.8	30,339	32,100	38,400	38,400
Total		65,103	85,600	111,400	111,400
TOT P. 1		647,811	652,100	683,400	683,400

HIGHWAY FUND - APPROPRIATIONS - 1994 BUDGET - PG 2

	CODE	ACT 92	93 BUDGET	PRE 1994	ADOPT 94
DEBT SERV					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	31,000	22,000	35,000	35,000
Total		31,000	22,000	35,000	35,000
INTEREST					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	4,307	3,000	3,315	3,315
Total		4,307	3,000	3,315	3,315
INT TRANS TO:					
Cap Proj	9,950.9	2,591	0	0	0
Total		2,591	0	0	0
BUDGETARY PROVISION OTH/USES					
TOT APPROP &OTH USES					
Page 1		647,811	652,100	683,400	683,400
Page 2		37,898	25,000	38,315	38,315
Trans to Page TB-2		685,709	677,100	721,715	721,715

HIGHWAY FUND - ESTIMATED REVENUE - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	PRE 1994	ADOPT 94
LOCAL SOURCES					
Lieu/Tax	1,081	1,003	0	0	0
Non Prop Tax Dist/County	1,120	150,000	155,000	174,500	174,500
Ser/Oth Govts	2,300	108,799	50,000	65,000	65,000
Int & Earn	2,401	4,908	5,000	5,000	5,000
Sale/Equip	2,665	3,620	0	0	0
Intfund Rev	2,801	8,801	8,000	8,800	8,800
Sale/Scrap	2,650	131	0	0	0
STATE AID Consolidated Highway	3,501	33,231	30,000	30,000	30,000
FEDERAL AID (Specify)	4,500	0	0	0	0
INTER TRANSF	5,031	0	0	0	0
TOT EST REV		310,493	248,000	283,300	283,300
UNEXPEND BAL		20,000	19,100	20,000	20,000

Transfer Est Rev and Unexp Bal to TB-2

FIRE PROTEC DIST - APPROPRIATIONS - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	PRE 1994	ADOPT 94
FIRE PROTEC					
Judg/Claims	1,930.4	0	240	0	0
Contracts	3,410.4	412,100	432,645	441,929	441,929
Comp Insur	9,040.8	13,422	14,000	20,000	20,000
Total		425,522	446,885	461,929	461,929
Tot Approp (Trans Adopt to Page 1)		425,522	446,885	461,929	461,929
			ESTIMATED REVENUE		
Int & Earn	2,401	1,503	0	0	0
Refund Pr Yr	2,701	0	0	0	0
Total		1,503	0	0	0
			UNEPENDED BALANCE		
Est Fire Pr Dist Unexpd Balance		0	0	6,000	6,000
Transfer total Adopt to page 2					

LIGHT DISTRICT - APPROPRIATIONS - 1994 BUDGET

	CODE	ACT 92 93	BUDGET PRE 1994	ADOPT 94
LIGHT DIST				
Judge/Claims	1,930.4	0	0	0
Street light				
Contractual	5,182.4	20,451	19,000	19,000	19,000
Total		20,451	19,000	19,000	19,000
Tot Approp (Trans Adopt to Page 2)				

ESTIMATED REVENUES

Int & Earn	2,401	678	500	0	0
Tot Est Rev		678	500	0	0
(Trans Adopt to Page 2)					

UNEXPENDED BALANCE

Est Light Unexp Bal	500	500	500	500

AMBULANCE DISTRICT - APPROPRIATIONS - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	PRE 1994	ADOPT 94
AMBULANCE					
Judg/Claims	1,930	0	50	0	0
Ambulance, Eq	4,540	0	0	10,000	10,000
Ambulance, C.	4,540	36,423	38,600	48,515	48,515
Total		36,423	38,650	58,515	58,515
DEBT SERV					
Principal					
Ser Bonds	9,710	0	0	0	0
BAN's	9,730	10,000	10,000	0	0
Total		10,000	10,000	0	0
INTEREST					
Ser Bonds	9,710	0	0	0	0
BAN's	9,730	1,148	500	0	0
Total		1,148	500	0	0
Budgetary Prov for Oth Uses	962	0	0	0	0
Total Approp (Transfer Adopted to Page 2)		47,571	49,150	58,515	58,515
ESTIMATED REVENUE					
Int & Earn	2,401	323	0	0	0
Total Revenue		323	0	0	0
(Trans adopt To Page 2)					
UNEXPENDED BALANCE					
Est Unexp Bal (Transfer tot to Page 2)		500	1,550	0	0

REFUSE & GARBAGE - APPROPRIATIONS - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	PRE 1994	ADOPT 94
REFUSE/GARB					
Judge/Claims	1,930.4	0	360	0	0
Pers Serv	8,160.1	0	0	0	0
Contractual	8,160.4	444,647	495,238	505,245	505,440
Total		444,647	495,598	505,245	505,440
			ESTIMATED REVENUE		
Sales	2,655	79	0	0	0
Ref/Gar Chgs	2,130	3,269	0	0	0
Int & Earn	2,401	7,974	0	0	0
Total		11,322	0	0	0
			UNEXPENDED BALANCE		
Est Refuse & Garb Dist Unexp Bal		0	360	5,182	5,184

(Trans Adopt Totals to Page 2)

SEWER DIST #2 - APPROPRIATIONS - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	PRE 1994	ADOPT 94
Treat/Disp					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,120.1	0	0	0	0
Equipment	8,120.2	0	0	0	0
Contractual	8,120.4	0	1,204	1,211	1,211
Total		0	1,204	1,211	1,211

ESTIMATED REVENUE

Int & Earn	2,401	138	0	0	0
Total		138	0	0	0

UNEXPENDED BALANCE

Est Sewer Dist Unexp Balance	0	0	0	0

(Transfer Tot to Page 2)

WATER DISTRICT #1 - APPROPRIATIONS - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	TEN 1994	ADOPT 94
Trans/Dist					
Judge/Claims	1,930.4	0	25	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	22,049	75,000	89,000	89,000
Contractual	8,340.4	14,826	9,000	12,000	12,000
Total		36,875	84,025	101,000	101,000
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	0	0	0	0
Total		0	0	0	0
Interest					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	0	0	0	0
Total		0	0	0	0
Total Approp (Transfer adopted to Page 2)		36,875	84,025	101,000	101,000
			ESTIMATED REVENUE		
Spec Assess	1,030	76	0	0	0
Int & Earn	2,401	2,973	0	0	0
Total		3,049	0	0	0
			UNEXPENDED BALANCE		
Est Unexp Bal (Transfer tot to Page 1)		18,500	54,025	70,000	70,000

WATER DIST #2 - APPROPRIATIONS - 1994 BUDGET

	CODE	ACT 92	93 BUDGET	TEN 1994	ADOPT 94
Trans/Dist					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	0	48,230	97,592	97,592
Contractual	8,340.4	2,908	40,544	3,500	3,500
Total		2,908	88,774	101,092	101,092
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	0	0	0	0
Total		0	0	0	0
Interest					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	0	0	0	0
Total		0	0	0	0
Total Approp (Transfer adopted to Page 2		2,908	88,774	101,092	101,092
		ESTIMATED REVENUE			
Int & Earn	2,401	2,157	0	0	0
Total		2,157	0	0	0
		UNEXPENDED BALANCE			
Est Unexp Bal (Transfer tot to page 2)		50,000	48,230	60,000	60,000

SCHEDULE OF SALARIES OF ELECTED TOWN OFFICIALS

(ARTICLE 8 OF THE TOWN LAWS)

OFFICER	SALARY
SUPERVISOR	10,400
COUNCILMAN	5,800
COUNCILMAN	5,800
COUNCILMAN	5,800
COUNCILMAN	5,800
TOWN CLERK	27,700
TOWN JUSTICE	9,500
TOWN JUSTICE	9,500
SUPERINTENDENT OF HIGHWAYS	34,125

SUMMARY OF THE 1994 FISCAL PLAN FOR THE TOWN OF BOSTON

In an effort to control the escalating costs of your Town government, I have submitted the 1994 budget which freezes all elective and appointed salaries with the exception of the Dog Control Officer. The numerous problems with unlicensed dogs and animals that are not in compliance with the leash law have made this modest increase necessary.

The salary of Town Supervisor has been reduced from $20,500 to $10,400. The remaining $10,100 has been included in the Supervisor's personnel services section of the budget to be appropriated in any manner the new Town Board so designates. I have made the suggestion that these funds might be used for a number of useful purposes within our community. The Rescue Squad is planning to replace their worn out ambulance, the recently formed Town of Boston Band needs help, the South Boston Parks Committee needs additional funding to complete their project, the Senior Citizens Community Room expansion will need additional furnishings, the Boston Historical Society is planning needed improvements to their building and the list could go on and on.

The General Fund appropriations for 1994 are $936,236, which compares favorably with 1993 expenditures of $886,233. The major portion of this increase is directly attributed to additional employee benefit costs. (eg. Hospital and Medical Insurance and a $5,500 increase in our premiums for New York State Workmen's Compensation) There is also $20,000 set aside for a Bond Anticipation Note for Town Park Improvements. This is for the town's share of these project costs with the remainder paid for by a grant from the New York State Parks Department.

Because of prudent fiscal planning there are enough reserve funds in our unexpended balance to maintain the same tax assessment as last year. The General Fund tax rate will remain at $.77 per thousand of assessed valuation.

Our highway taxes will also remain the same even though there were substantial increases in our New York State Workmen's Compensation Insurance and employee health benefits. These two items alone account for almost $30,000 in this years highway appropriations even though we have had an excellent safety record for the past three years.

The remainder of the increased costs are for Bond Anticipation notes to cover the purchase of new highway equipment.

The Highway Budget for 1994 is $721,715 compared to last year's appropriation of $677,100, an increase of $44,615. Our highway taxes for 1994 will remain at $1.87, the same as last year.

I am proud of the fact that this is the third straight year that both our General Fund taxes and Highway taxes have remained the same even though we have experienced substantial increases in many areas of the Town Budget.

All of the Special District taxes will remain the same as last year with the exception of the ambulance district. OSHA requirements and the need for a new ambulance are the primary reasons for an increase of $.05 from a year ago. Repairs on the two old ambulances completely depleted the reserve fund and a substantial contract increase make this increase

necessary. Workmen's Compensation Insurance also played a part in these needed additions.

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1993-42

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 3rd day of November, 1993 at 7:30 o'clock in the evening Eastern Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Milton I. Wittmeyer	**Councilman**
	David G. Zimmerman	**Councilman**
	Don A. Wohlhueter	**Councilman**
	Mark W. Flowers	**Councilman**

Absent:

Councilman Flowers presented the following Resolution and moved its adoption:

WHEREAS, The Town Board has adopted Local Law No. 1-1993 entitled "A Local Law to Amend Local Law Number 3 - 1987 entitled 'Fire Prevention and Building Code Administration;'" and

WHEREAS, this Local Law provides for certain restrictions on the construction of dwellings within a certain geographic area of the Town of Boston; and

WHEREAS, under the provisions of the Local Law, the Town Board is charged the responsibility of determining whether or not to issue building permits for the construction of dwellings within the geographic area which is the subject of the said Local Law; and

WHEREAS, the Town Board desires to make such determinations only after there has been a full investigation of the factors pertinent to the application of the said Local Law; and

WHEREAS, the Town Board deems it impractical for the Board members to undertake such a full investigation;

NOW THEREFORE:

BE IT RESOLVED, That the Town Board hereby establishes the East Hill Advisory Committee to be comprised of the following persons:

The Code Enforcement Officer of the Town of Boston.
The Town Engineer of the Town of Boston.
The Chairman of the Boston Planning Board or his designee.
A Town Board Member.
Five (5) citizens from the geographic area covered by Local Law Number 1 - 1993 appointed by the Town Board to serve subject to the rules and procedures set forth in the Resolution.

and, be it further

RESOLVED, that upon receipt of an application for a building permit which is subject to the said Local Law the following shall constitute the review committee for said application:

All Town Officials and employees hereinabove designated.
Three (3) of the five (5) citizens as hereinafter selected.

and, be it further

RESOLVED, that the three (3) private citizens shall be selected by eliminating from consideration the citizen residing closest to the applicant site and by selection three (3) citizens to serve out of the remaining four (4); giving preference to those residing farthest from the applicant site; and be it further

RESOLVED, that the review committee for each application shall review said application and make a written recommendation to the Town Board based upon the following criteria:

A. The status of existing wells in the general area adjacent to the applicant site.
B. The proximity if any new well to existing wells.
C. The ratio of successful wells to the total number of wells dug in the general area.
D. The depth of successful wells in the area.

E. The rate of recovery of successful wells in the area.
F. The amount of water use anticipated by the applicant.
G. The anticipated timetable for construction of the dwelling, digging of the well and occupation of the property.
H. The anticipated interval between occupation of the property and the availability of municipal water service.
I. Such other factors as the committee shall deem important as a result of its review of the application.

and be it further

RESOLVED, that the committee shall make its written report to the Town Board as soon as practicable but it no event more than sixty (60) days after the application is referred to it for consideration, and be it further

RESOLVED, that the Town Board Member selected to serve on this Committee be and he is hereby appointed the Chairman thereof to serve in such capacity pending a further Resolution of the Town Board. The Chairman shall have the responsibility to call meetings of the Committee and to appoint a secretary thereof and shall have such other powers and duties as may be from time to time conferred by further Resolution of the Town Board.

Seconded by **Supervisor Kennedy** and put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES:Five(5) NOES:None(0) ABSENT:None(0)

David J. Shenk-Town Clerk

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1993-43

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 3rd day of November, 1993 at 7:30 o'clock in the evening Eastern Time there were:

Present:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Absent:

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston is a Town having fewer than 10,000 assessment parcels;

NOW THEREFORE:

BE IT RESOLVED by the Town Board of the Town of Boston that the Town Assessor of the Town of Boston be and is hereby authorized and directed to sell assessment data to outside vendors for the price of $.15 per parcel, prepaid; and be it further

RESOLVED that the Town Clerk be and is hereby authorized to receive payment for the said assessment data on behalf of the Town Assessor and to remit same to the Supervisor for deposit to the appropriate account for the Town of Boston.

Seconded by Councilman Wittmeyer and put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES:Five(5) NOES:None(0) ABSENT:None(0)

David J. Shenk

David J. Shenk-Town Clerk

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REGULAR BOARD MEETING
NOVEMBER 3, 1993

TOWN HALL
7:30 P.M.

At 8:00 P.M. a Public Hearing was held for the purpose of hearing public comments on the preliminary budget for the Town of Boston for the fiscal year beginning January 1, 1994. Town Clerk Shenk read the Legal Notice. Supervisor Kennedy read the summary page and commented on the changes from the current year and discussed tax rates for 1994. There were no questions or comments.

PUBLIC NOTICE
Town of Boston
Notice of Hearing
Upon Preliminary Budget

NOTICE IS HEREBY GIVEN that the Preliminary Budget of the Town of Boston for the fiscal year beginning January 1, 1994 has been completed and filed in the office of the Town Clerk, where it is available for inspection by any interested person during regular office hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will meet and review said public hearing thereon at the Boston Town Hall, 8800 Boston State Road, at 8:00 P.M. Eastern Standard Time, on the 3rd day of November, 1993 and that at such hearing any person may be heard in favor of or against the preliminary budget as compiled or for or against any items therein contained.

Pursuant to Section 103 of the Town Law, the proposed salaries of the following town officers are hereby as follows:

Supervisor	$10,400.00
Councilman	5,200.00
Councilman	5,200.00
Councilman	5,200.00
Councilman	5,200.00
Town Clerk	$7,700.00
Town Justice	9,300.00
Town Justice	9,300.00
Superintendent of Highways	$4,193.00

By Order of the Town Board
Dated: October 7, 1993
Published: October 20, 1993
David J. Shenk
Town Clerk
Town of Boston

At 8:08 P.M. a motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the public Hearing.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the 1994 General Fund Budget be approved as follows:

Appropriations	$936.236.00
Less Estimated Revenue	514,300.00
Less Unexpended Balance	249,000.00
Amount to be Raised by Taxes	172,936.00

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers that the 1994 Highway Fund Budget be approved as follows:

Appropriations	$721,715.00
Less Estimated Revenue	283,300.00
Less Unexpended Balance	20,000.00
Amount to be Raised by Taxes	418,415.00

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the 1994 Fire Protection Budget be approved as follows:

Appropriations	$461,929.00
Less Estimated Revenue	0.00
Less Unexpended Balance	6,000.00
Amount to be Raised by Taxes	455,929.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter seconded by Councilman Flowers that the 1994 Light District Budget be approved as follows:

Appropriations	$ 19,000.00
Less Estimated Revenue	0.00
Less Unexpended Balance	500.00
Amount to be Raised by Taxes	18,500.00

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 3, 1993 — 7:30 P.M.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the 1994 Ambulance Budget be approved as follows:

Appropriations	$ 58,515.00
Less Estimated Revenue	0.00
Less Unexpended Balance	0.00
Amount to be Raised by Taxes	58,515.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the 1994 Refuse and Garbage Budget be approved as follows:

Appropriations	$505,245.00
Less Estimated Revenue	0.00
Less Unexpended Balance	5,182.00
Amount to be Raised by Taxes	500,063.00

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter the 1994 Sewer District #2 Budget be approved as follows:

Appropriations	$ 1,211.00
Less Estimated Revenue	0.00
Less Unexpended Balance	0.00
Amount to be Raised by Taxes	1,211.00

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers that the 1994 Water District #1 Budget be approved as follows:

Appropriations	$101,000.00
Less Estimated Revenue	0.00
Less Unexpended Balance	70,000.00
Amount to be Raised by Taxes	31,000.00

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers that the 1994 Water District #2 Budget be approved as follows:

Appropriations	$101,092.00
Less Estimated Revenue	0.00
Less Unexpended Balance	60,000.00
Amount to be Raised by Taxes	41,092.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to adopt the following salaries as approved in the 1994 fiscal plan of the Town of Boston.

Supervisor	$10,400.00
Councilman	5,800.00
Councilman	5,800.00
Councilman	5,800.00
Councilman	5,800.00
Town Clerk	27,700.00
Town Justice	9,500.00
Town Justice	9,500.00
Superintendent of Highways	34,125.00

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 3, 1993 — 7:30 P.M.

SUPERVISOR REPORT (CONT).

Received a letter from the State Comptroller's Office in regard to a Volunteer Service Award Program for Emergency Squad personnel as a defined contribution. Currently the State Comptroller's office is working on this matter and we should hear more in the future.

TOWN CLERK REPORT

A) Registrar of Vital Statistic Report for October 1993 on file in the Clerk's Office.

Received a letter from Roy Emerling with regard to his property at 7287 Boston State Road. Mr. Emerling requests approval of a two story, 8000 Sq. Ft., eight family dwelling and a two story, 4000 Sq. Ft. office building.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter that this application from Roy Emerling for proposed construction at 7287 Boston State Road be referred to the Planning Board for their review and comment.

five (5) Ayes — Carried

A letter of resignation was received from Deputy Town Clerk Anna O'Neill, effective 10/29/93. She has accepted a Civil Service position with the Hamburg School District.

Supervisor Kennedy directed Town Clerk Shenk to send a letter to Mrs. O'Neill thanking her for her service to the Clerk's Office and the Town of Boston.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to accept the resignation of Anna O'Neill, effective 10/29/93.

five (5) Ayes — Carried

Town Clerk Shenk: I would like to express my thanks to Mrs. O'Neill, she was instrumental in getting me through my first two years at the Town Hall and she will be hard to replace. I have placed an ad in the Hamburg & Springville Pennysavers and have posted a copy of the ad on the Town bulletin board. I will accept resumes until 11/05/93.

SUPERINTENDENT OF HIGHWAYS REPORT

Superintendent of Highways Ruchalski requested permission to extend the Town brush pickup due to the recent weather.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to authorize the Highway Department to pick up brush immediately, weather permitting, until the Town is complete.

five (5) Ayes — Carried

On recommendation of Highway Superintendent Ruchalski, a motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to replace retiring Joseph Wierzbic with William Forness, who was six months with Parks/six months with Highway. Mr. Forness is a fulltime MEO Trainee. Replacing William Forness is Brian Wendling.

five (5) Ayes — Carried

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 3, 1993 — 7:30 P.M.

SUPERINTENDENT OF HIGHWAYS REPORT (CONT.)

On the recommendation of Highway Superintendent Ruchalski, a motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that a letter be sent to Erie County Highway Department informing them the Town of Boston Highway Department will not salt, sand, or plow the new Rice Hill access road (otherwise known as West-Tillen Road), Pfarner Road, and Mill Street.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Town Attorney Perley has received correspondence from our insurance counsel on the Russen Case vs. Boston Emergency Squad. It is anticipated that Mr. Russen may withdraw from or discontinue the case. Final word is anticipated within 90 days.

Town Attorney Parley made a recommendation to the Town Board to designate the New York State Commission on Cable Television to regulate cable rates in the Town of Boston.

RESOLUTION 1993 - 44 DESIGNATE NYS COMMISSION ON CABLE TELEVISION TO REGULATE RATES

COUNCILMAN REPORT

Councilman Wohlhueter announced the tire drop off is scheduled for Saturday 11/6/93 from 9:00 A.M. to 2:00 P.M..

Councilman Wittmeyer received a letter from Erie County Highway Department which was written to the NYSDOT requesting a lower maximum speed limit on Boston State Road. Councilman Wittmeyer will send a letter to the NYSDOT when they acknowledge receipt of this letter, stating the reasons why the Town of Boston would like this speed limit reduction.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer monthly report for October 1993 was received and on file in the Clerk's Office.

DOG CONTROL OFFICER REPORT

A) Dog Control Officer monthly report for October 1993 was received and on file in the Clerk's Office.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to adjourn the meeting at 8:35 P.M.

David J. Shenk

David J. Shenk, Town Clerk

TOWN OF BOSTON
NEW YORK

R E S O L U T I O N

NUMBER 1993-44

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 3rd day of November, 1993 at 7:30 o'clock in the evening Eastern Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Milton I. Wittmeyer	**Councilman**
	David G. Zimmerman	**Councilman**
	Don A. Wohlhueter	**Councilman**
	Mark W. Flowers	**Councilman**

Absent:

Councilman Zimmerman presented the following Resolution and moved its adoption:

BE IT RESOLVED that the Town Board of the Town of Boston, being familiar with the requirements of the Cable Act of 1992 concerning cable television rates, hereby elects to have the New York State Commission on Cable Television undertake rate regulations for the said Town of Boston in compliance with the Federal Law as implemented by the Federal Communications Commission; and be it further

RESOLVED that the election of the Town Board made by this Resolution may be altered and/ or reversed pusuant to Section 592-3.5 of the Rules and Regualtions of the New York State Commission on Cable Television (9 N.Y.C.R.R. § 592-3.5).

Seconded by **Supervisor Kennedy** and put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES:Five(5) NOES:None(0) ABSENT:None(0)

David J. Shenk

David J. Shenk-Town Clerk

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 17, 1993 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to accept the correction and adoption of the minutes of the November 3, 1993 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Flowers that the General Fund and Special District Bills on Abstract #11A dated November 17, 1993 in the amount of $58,229.07 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve the correction of Abstract #11 dated November 3, 1993 as follows:

Vouchers #855, 856, 857, 858, 859 (Election Inspectors)
From: A1460.1 Elections, Per Serv. To: A1460.4 Election, Cont.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers that the Highway Bills on Abstract #11A dated November 17, 1993 in the amount of $10,040.51 be paid.

five (5) Ayes — Carried

Letter received from Philip M. DeGaetano, P.E. from the Bureau of Water Quality Management, NYSDEC, with regard to the Federal Stormwater Management Regulations adopted October 1, 1992, received and on file in the Clerk's office.

Letter received from John Agostino, NYS Disaster Preparedness Commission, advising that a check will be forthcoming in the amount of $1,124.00 for emergency snow plowing assistance provided during the blizzard which occurred on March 13, 1993.

Letter received from R. J. Russell, NYSDOT, acknowledging receipt of the Town of Boston's request to lower the maximum speed limit on Boston State Road. A traffic safety study will be conducted.

Letter from Melvin Kase, Erie County Highway Department, requesting the Town of Boston sign and return the 1993-94 winter season invoices for payment of snow and ice control expenses.

A motion was made Councilman Wohlhueter and seconded by Councilman Wittmeyer to authorize the Supervisor to sign the 1993-94 winter season snow and ice control expenses contract.

five (5) Ayes — Carried

Letter received from Alan J. Laurita, Envirogas Inc. notifying the Town of their intent to Drill well: W. Harder #1, received and on file in the Clerk's office.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to approve the following 1994 Final Budget Correction to the Refuse and Garbage District.

Approv/Oth Uses	Est Revenue	Unexp Bal	Amt Raised by Tax
505,440.00	.00	5,184.00	500,256.00

five (5) Ayes — Carried

DDR529

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 17, 1993 — 7:30 P.M.

A letter was received from the Planning Board with regard to the Czajka request to build a garage in the Boston Hills Estates. It was the consensus of the Planning Board that this request be denied. The request from the Town Board of the Planning Board to comment on the current Mobile Home Court Law that a garage be considered living space was replied to as follows: this was placed to prevent overcrowding, a provision was given to a small storage building, and a garage would take away from the open look of a mobile home court. The developer of Boston Hills Estates was asked to give up one lot to add additional area to the remaining lots.

Katherine Falkides, Boston Hills Estates: It was never discussed with the developer to give up one lot to add additional area to each lot so a garage could be considered in the future.

Browney Czajka, 5631 Northside Drive: This was a "bad law" and should be changed.

Katherine Falkides: The Town Board has the jurisdiction to make an exception at any Board meeting.

Councilman Wittmeyer: We don't want to make a decision now, we will let the new Board make it.

Councilman Flowers: There is no time to make a decision. This would involve changing the law because if we do it for one, we must do it for all.

Councilman Zimmerman: I agree with Councilman Wittmeyer.

Councilman Wohlhueter: We must abide by the law as it is now.

Supervisor Kennedy: I agree.

Town Attorney Perley: The maximum lot coverage is 20% whether it is living space or not.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to deny the request of Browney and Marion Czajka to build a garage in the Boston Hills Estates.

Councilman Flowers	nay
Councilman Wohlhueter	aye
Councilman Zimmerman	aye
Councilman Wittmeyer	aye
Supervisor Kennedy	aye

four (4) Ayes — one (1) Nay — Carried

A letter was received from the Planning Board with regard to the hiring of a Town Planner. It is their recommendation to hire Mr. Richard F. Brox.

Supervisor Kennedy commented that he would like to interview Mr. Richard Brox before Town Board approval.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to invite Mr. Richard Brox to the Agenda Review Meeting on November 29, 1993.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman for the permit for temporary construction trailers, previously issued to Cold Spring Construction, be extended to expire on December 31, 1994, pursuant to Town Code Sec.123-118.B.

five (5) Ayes — Carried

TOWN OF BOSTON

RESOLUTION 1993 - 45

At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Town Hall, 8500 Boston State Road, in said town on the 17th day of November, 1993 at 7:30 P.M. Eastern Daylight Saving Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Councilman Wittmeyer presented the following resolution and moved its adoption:

WHEREAS, Ray and Karen Weishaar have requested to receive water as an out-of-district customer of Water District #1 of the Town of Boston, New York on property locally known as 7509 Boston State Road, Boston, New York,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approve the request of Ray and Karen Weishaar to receive water from Water District #1 as an out-of-district customer upon the following terms and conditions:

(1) Permission is granted for one additional residential tap in at 7509 Boston State Road.

(2) Ray and Karen Weishaar shall pay customary district charges for district residents receiving service.

(3) Ray and Karen Weishaar shall be responsible for obtaining all easements necessary to transmit the water from the current main to the respective residence.

(4) All expenses with regard to extending or upgrading the existing water service shall be not be a charge against Boston Water District #1.

(5) That Ray and Karen Weishaar acknowledges that they may be liable for additional district charges in the event of the formation of any additional Water Improvement and/or Water District.

(6) This resolution shall be subject to approval of the Erie County Water Authority.

Seconded by Supervisor Kennedy and put to a vote which resulted as follows:

Supervisor Kennedy	Voting aye
Councilman Wittmeyer	Voting aye
Councilman Zimmerman	Voting aye
Councilman Wohlhueter	Voting aye
Councilman Flowers	Voting aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK / TOWN CLERK

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to approve the temporary Certificate of Occupancy for lot #10 in the Boston Hills Estates and return the payment for lot #5.

five (5) Ayes Carried

Katherine Falkides, Boston Hills Estates, requested that Town Clerk Shenk hold the check until Lot #5 is approved.

A request was made by residents of the Crestwood Circle area to have a 50 ft. right-of-way opened that has been recently closed.

Supervisor Kennedy commented this seems to be a legal matter as to the proper ownership of this piece of land. This will be referred to the Town Attorney.

Town Attorney Perley will arrange a meeting with the people on Crestwood Circle.

RESOLUTION 1993 - 45 WEISHAAR OUT-OF-DISTRICT WATER SERVICE

At the recommendation of Recreation Director Gerald O'Brien a motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to appoint the following to the Friday Night Recreation Program, term to expire 12/31/93.

NAME	POSITION	RATE	HRS/WK
Michelle Errington	Rec. Leader	7.50/hr	6hrs
Angela Poppenberg	Rec. Attendants	5.50/hr	6hrs
Karen M. Wendling	"	"	"
Karen B. Wendling	"	"	"
Todd Schunk	"	"	"
Michelle Schunk	"	"	"

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint the following as Boston Fire Police, term to expire 12/31/93: Dennis Emerling, Richard Emerling, Dennis Kramer, Eugene Ruchalski.

five (5) Ayes Carried

SUPERVISOR REPORT

Supervisor Kennedy received a communication from the NYSDEC, Re: Notice of Public Hearing for the (PRAP) Proposed Remedial Action Plan for the TNT Battery hazardous waste site at 8338 Boston State Road. This hearing will be held at the Town Hall on 12/7/93, 7:00 P.M. thru 9:00 P.M.. All those interested please attend.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to appoint Gary Gomlak, 8719 Park Drive to the Conservation Advisory Council, term to expire on 3/1/96.

five (5) Ayes Carried

TOWN CLERK REPORT

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to schedule a Public Hearing for the annual renewal of the Emergency Squad contract at 8:00 P.M. and Boston Historical Society contract for 8:05 P.M. on December 15, 1993.

five (5) Ayes Carried

REGULAR BOARD MEETING — TOWN HALL
NOVEMBER 17, 1993 — 7:30 P.M.

On the recommendation of Town Clerk Shenk, a motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to appoint Karen A. Ellis as Deputy Town Clerk, term to expire 12/31/93 at a rate of $8.15/hr..

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to appoint Karen A. Ellis as Deputy Registrar of Vital Statistics, term to expire 12/31/93, no salary.

five (5) Ayes — Carried

TOWN ATTORNEY REPORT

Delivered to the Supervisor and the Town Clerk the executed contract with the amendments to the refuse district with B.F.I..

Reminded the people in attendance of his presentation to the Boston Chamber of Commerce on 11/18/93 on the formation of a Business District.

COUNCILMEN REPORT

Councilman Flowers announced that the Chamber of Commerce is currently working on some by-law changes and their dinner tomorrow will have Art Benson from the Route 219 Association as well as the Town Attorney.

Councilman Flowers also attended the Insurance Committee meeting and noted their are several changes in the industry.

Councilman Flowers announced the Southtowns Haz-Mat Team is working on a proposal to the Erie County Legislature to attain some of the new permit fee money that will soon be a revenue of the County.

Councilman Flowers wishes everyone a happy Thanksgiving.

Councilman Wittmeyer met with representatives of the three fire companies and updated their records with the benefit program.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's monthly report for October 1993 received and on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's Monthly report for October 1993 received and on file in the Clerk's Office.

ERIE COUNTY SHERIFF REPORT

A) Erie County Sheriff's Report for October 1993 received and on file in the Clerk's office.

Upon the request of Town Clerk Shenk, a motion was made by Supervisor Kennedy and seconded Councilman Flowers to allow the Town Clerk to give free copies to the newly elected Town Board members and Justice elect Maxwell to help assist in a smooth transition.

five (5) Ayes — Carried

A motion was made by Councilman Flowers and seconded by Supervisor Kennedy to adjourn the meeting at 8:28 P.M.

David J. Shenk

DAVID J. SHENK, TOWN CLERK

365

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 1, 1993 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley, and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to accept the correction and adoption of the minutes of the November 17, 1993 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #12 dated December 1, 1993 in the amount of $5,918.63 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the Highway Bills on Abstract #12 dated December 1, 1993 in the amount of $4,017.07 be paid.

five (5) Ayes — Carried

DDH529

Letter from Gregory Sutton, Environmental Engineer NYSDEC, Re: The proposed Remedial Action Plan for the T.N.T. Battery Site, 8338 Boston State Rd. Received and on file in the Town Clerk's Office.

Letter received from William Bouteiller, NYS Dept. of Public Services to John Mostel, Re: National Fuel Gas Notice of Meetings. Received and on file in the Town Clerk's Office.

Letter received from Theodore Osborne, Chautauqua County, Re: Landfill Space. Supervisor Kennedy referred this letter to the Refuse Solid Waste Committee Chairman, Don Wohlhueter.

Kevin Hesse, 8770 Boston State Rd: Asked about the drainage situation at his property at 6657 Redwing Drive.

Supervisor Kennedy: The Town Attorney is preparing easements to be presented to both Mr. Hesse and his neighbor and if acceptable the Town will remove trees which were placed on the Town right-of-way.

Letter received from Herbert Klein resigning his membership on the Boston Planning Board, effective November 18, 1993. Supervisor Kennedy directed the Town Clerk to send Mr. Klein a letter thanking him for his outstanding service to the Town of Boston.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to accept the resignation of Herbert H. Klein.

five (5) Ayes — Carried

Letter received from Paul Jusko, 7212 Tricia Lane requesting to be appointed to the Boston Town Planning Board.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Paul Jusko to the Boston Planning Board, term to expire 2/1/95.

five (5) Ayes — Carried

Application for an open road cut: Kevin Hesse, 6657 Redwing Drive. A recommendation was received from the Town Engineer to approve the permit as presented.

Town Attorney Perley: The applicant must have his contractor supply me with the bonding material, the cost of the inspection, the cost of the engineering, and the permit fee.

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 1, 1993 — 7:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Flowers to approve the Public Improvement Permit at 6657 Redwing Drive for Kevin Hesse contingent on Mr. Hesse's payment for the Town Engineer Inspection fee in the range of up to $60/hr.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to set the end of year meeting for December 31, 1993 at 10:00 A.M..

five (5) Ayes — Carried

SUPERVISOR REPORT

A) Supervisor's Monthly Financial Report for November 1993 received and on file in the Town Clerk's Office.

Letters were received from County Legislatures Albert Benedetti and Fred Marshall supporting the request to recommend the County Legislature consider reinstatement of the position of Rural Planner which is currently held by Larry Barts.

Town Clerk was asked to set aside January 1, 1993, 10:30 A.M. for the Swearing-in-Ceremony.

SUPERINTENDENT OF HIGHWAYS REPORT

Superintendent of Highways Ruchalski met with the District Engineer of Erie County, Gary Kane, and it is to go on record that Erie County will continue to snowplow and sand the access road.

TOWN ATTORNEY

Town Attorney Perley stated that there is an error in the zoning map. The Boston Garden restaurant is zoned R1 and should be zoned C1. Murphy's is zoned C1 and should be zoned R2.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to schedule the Public Hearing for December 15, 1993 at 8:10 P.M. to correct the Zoning map.

five (5) Ayes — Carried

A meeting was held with the Crestwood Circle residents and we discussed the following topics:
1) The current status of the fence at lower Crestwood Circle.
2) A legal document will be prepared to reduce the right-of-way of upper Crestwood Circle from 75 feet to 50 feet to make the circle uniform. This will be presented at the next Board Meeting.

Deeds were received from Mr. and Mrs. Coakely, and Mr. and Mrs. Helmbrecht of Lango Road for the turn-a-round which is part of the Water Extension Project. A deed was also received for the Willow Drive turn-a-round from Mr. Bernardi.

Easements were received and signed by Mr. Mooney and Mr. Coakely for the installation of the water line in water district #1. These will be on file in the Clerk's Office.

COUNCILMAN REPORT

Councilman Flowers requested the use of the Town Hall, Court Room and the Community Room on January 1, 1993 at 1:00 P.M. for the Swearing-in-Ceremonies.

REGULAR BOARD MEETING
DECEMBER 1, 1993

TOWN HALL
7:30 P.M.

COUNCILMAN REPORT (CONT.)

At a meeting with Dean Messing of the Southtowns Haz-Mat team, there was a proposal by the Erie County Legislature for designated source funding. If approved, it will be likely the Southtowns Haz-Mat team will no longer be in business. This Saturday, a meeting will be held at the Winchester Fire Hall at 9:30 A.M. with 3 members of the Erie County Legislature. Councilman Flowers will attend and keep us informed.

A motion was made by Councilman Flowers and seconded by Councilman Zimmerman to adjourn the meeting at 8:08 P.M.

David J. Sherk

David J. Sherk, Town Clerk

DDH529

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 15, 1993 — 7:30 P.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, Town Attorney Michael F. Perley and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to accept the correction and adoption of the minutes of the December 1, 1993 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #12A dated December 15, 1993 in the amount of $68,387.84 be paid.

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five (5) Ayes — Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #12A dated December 15, 1993 in the amount of $12,275.32 be paid.

five (5) Ayes — Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Flowers to accept the Town Clerk's monthly report for November 1993.

five (5) Ayes — Carried

Letter received from Philip Cook, Erie County Water Authority, RE: Tank Refurbishing. Town Attorney Perley sent a response to the Water Authority and the Town will await a new agreement.

Letter received from Maria Martens, Erie County Stop-DWI, RE: Annual Contract. Received and on file in the Town Clerk's Office.

Letter from Sheriff Higgins, Re: 1994 Budget. Received and on file in the Town Clerk's Office.

Letter from County Legislature Marshall, Re: Position of Rural Planner restored in 1994 County budget. Received and on file in the Town Clerk's Office.

Letter from Donald Buckelew, Commission on Cable, RE: Rate Regulation. Received and on file in the Town Clerk's Office.

A motion was made Councilman Zimmerman and seconded by Supervisor Kennedy to accept the Appropriation of Fund Balances:

Fire Protection District

Approp Fund Bal		5,000.00
9040.8 Compensation Insurance		5,000.00

Light District

Approp Fund Bal		300.00
5182.4 Street Lights		300.00

Appropriation of Excess Revenue

Refuse & Garbage District

2401 Interest & Earnings		5,000.00
8160.4 Refuse/Garbage. Cont		5,000.00

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1993-46

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 15th day of December, 1993 at 7:30 o'clock in the evening Eastern Time there were:

Present:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Mark W. Flowers	Councilman

Absent:

Supervisor Kennedy presented the following Resolution and moved its adoption:

WHEREAS, The Boston Free Library is a contracting library in the Buffalo and Erie County Library System, which is operated by the Boston Free Library Association through private donations and an operating budget recieved from the County of Erie; and

WHEREAS, Edna M. Rogger has served the residents of the Town of Boston at the Boston Free Library for the past twenty-five years as the Librarian at the Library; and

WHEREAS, As Librarian of the Boston Free Library, Mrs. Rogger has devoted her time to provide special programs through the Boston Free Library such as the Zoomobile, summer reading programs and story hours; and

WHEREAS, The Boston Library has experienced increases in circulation and now loans more the 35,000 books, tapes, records and videos each year; and

WHEREAS, In spite of the increased patronage to the Library, budget difficulties in the Erie County Government have resulted in loss of funding and a reduction resources to employ personnel to assist patrons to the Library; and

WHEREAS, Mrs. Rogger has donated significant amounts her time to maintain the high level of service that all residents of Boston and its neighboring Towns have come to expect from the Boston Free Library; and

WHEREAS, Mrs. Rogger, has worked tirelessly to improve the Library through such projects as the Library Expansion and the installation of a paved driveway and parking lot.

NOW THEREFORE:

BE IT RESOLVED, that the Town Board of the Town of Boston hereby congratulates Edna M. Rogger on her twenty-five years of service at the Boston Free Library; and be it further

RESOLVED, that the Town Board herein expresses its appreciation on behalf of itself and on behalf of all the past and present residents of the Town of Boston for the many years of dedicated service, provided by Edna M. Rogger, to the Boston Community.

Seconded by **Councilman Zimmerman** and put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES:FIVE(5) NOES:NONE(0) ABSENT:NONE(0)

David J. Shenk-Town Clerk

REGULAR BOARD MEETING — TOWN HALL
DECEMBER 15, 1993 — 7:30 P.M.

Sewer District #2

2401 Interest & Earnings	50.00	
8340.4 Treat/Disp, Cont	50.00	

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to approve the appointment of Richard F. Brox as Town Planner for a term beginning January 1, 1994 and continuing to the end of 1994 with fees to remain as in the most recent schedule.

five (5) Ayes — Carried

A letter was received from Town Justice Tills, Re: Resignation effective 12/30/93. Supervisor Kennedy stated that Justice Tills is resigning for one day, from December 30,1993 to December 31, 1993 to allow him to draw his pension. He will be sworn in on January 1, 1994 at one half his 1993 salary and the additional Justice will receive the other half. This will effect a savings to the Town as there will not be any payment into the pension plan.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to accept the letter of resignation from Town Justice Robert Tills, effective December 30, 1993.

five (5) Ayes — Carried

DDH529

SUPERVISOR REPORT

Supervisor Kennedy sent a letter to the NYS Office of Parks, Recreation and Historic Preservation. RE: LWCF 36-01164, Boston Town Park Development, asking for an extension through calendar year 1994.

Land Acquisition	Completed
Restroom & Rec. Storage Building	Completed
Trail System	6/30/94
Handicapped Fishing Pier and Pond	7/15/94
Lighting & Resurfacing Tennis - Basketball Court	7/31/94
Picnic Area near Pond Area	7/31/94
Tree Plantings	Completed

Supervisor Kennedy: I would like to express my appreciation. As you know, this is the last full meeting of the two Councilman who sit on my right, Councilman Zimmerman and Councilman Wittmeyer, who have been in service to this community for the last twenty years. I have had the opportunity of serving with both these individuals since I came into office. Councilman Zimmerman served as Tax Collector, then he was elected Councilman and after my election to the Assembly, he served as Supervisor in this community. Bud came in two years after I did as a Councilman and he served in that capacity until the last six or eight years that he served as my Deputy. These two individuals will be sorely missed and certainly there will be a party in recognition of their services. It will be sometime in the later part of January. But for myself, since this will be the last full meeting that I will have an opportunity to serve with these two individuals, I just want to take this time to express my appreciation and to say that I will miss both of them very much.

RESOLUTION 1993 - 46 CONGRATULATIONS EDNA M. ROGGER

At 8:00 P.M. a Public Hearing was held for the purpose of considering a contract with the Boston Emergency Squad, Inc. for furnishing the Ambulance Service in the amount of $19,715 per annum for the year 1994.

REGULAR BOARD MEETING
DECEMBER 15, 1993

TOWN HALL
7:30 P.M.

PUBLIC NOTICE

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Boston, at the Boston Town Hall, 8500 Boston State Road, Boston, New York on December 15, 1993 at 8:00 P.M. Eastern Standard Time for the purpose of considering to enter into a contract with the Boston Emergency Squad, Inc. for the purpose of furnishing ambulance service in the amount of $19,715 per annum for the year 1994.

NOTICE IS FURTHER GIVEN that another Public Hearing will be held at 8:05 P.M. Eastern Standard Time on the same date and place listed above for the purpose of considering to enter into a contract with the Boston Historical Society, Inc. for the preservation of historical places and objects, in the amount of $3,900 per annum for the year 1994.

All persons interested in the matter shall be heard for or against at such time and place.
Dated: November 26, 1993
Published: December 1, 1993
By Order of The Town Board
David J. Shenk
Town Clerk

Town Clerk Shenk read the legal notice and Supervisor Kennedy convened the Public Hearing.

Councilman Zimmerman noted the only change was that there are now two payments to allow flexibility for payment.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to close the Public Hearing at 8:02 P.M.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to enter into a contract with the Boston Emergency Squad, Inc. for furnishing ambulance services in the amount of $19,715 per annum for the year 1994.

five (5) Ayes Carried

At 8:05 P.M. a Public Hearing was held for the purpose of considering and entering into a contract with the Boston Historical Society. Inc. for the preservation of historical records and objects, in the amount of $3,900 per annum for the year 1994. Town Clerk Shenk read the Public Notice and Supervisor Kennedy convened the Public Hearing. There were no questions or comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the Public Hearing at 8:08 P.M.

five (5) Ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to enter into a contract with the Boston Historical Society, Inc. for the preservation of historical records and objects; in the amount of $3,900 per annum for the year 1994.

five (5) Ayes Carried

At 8:10 P.M. a Public Hearing was held for the purpose of Rezoning the Brunner property at 7115 Boston State Road & the Murphy Property at 7111 Boston State Road. Town Clerk Shenk read the Public Notice and Supervisor Kennedy convened the Public Hearing.

Town Clerk Shenk stated that the Commercial Zoning Application Pending Sign was placed on Brunner's property and 24 neighboring owners were notified by mail.

Town Attorney Perley said the purpose of this Hearing is not to change but to correct an error and do what the Town Board had originally intended to do.

Joseph Antos, 5554 Northside Drive: None of the people named are on the map. Murphy is zoned R2, residential and C1 is the existing restaurant. Part of Murphy's property now is Brunner's parking lot.

37/

PUBLIC NOTICE

REGULAR DECEMBER 15, 1993

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York will hold a Public Hearing on the 15th day of December, 1993 at 8:10 P.M. Eastern Time, at the Boston Town Hall, 8500 Boston State Road, New York to correct the Official Zoning Map of the Town of Boston by rezoning the following described property from Single-Family Residential R-1 to Local Retail Business C-1 as provided in the Zoning Law of the Town of Boston (Local Law No. 6 - 1990, as amended):

THAT TRACT OR PARCEL OF LAND, situated in the Town of Boston, County of Erie and State of New York, being part of Lot Number Thirty (30), Township Eight (8), Range Seven (7) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the center line of the State Highway leading from Hamburg to Springville with the south line of lands conveyed to William G. Wesp by deed recorded in the Erie County Clerk's Office in Liber 1311 of Deeds at page 100 and the north line of lands conveyed to Lauren A. Klein by deed recorded in the Erie County Clerk's office in Liber 1116 of Deeds at page 68; thence easterly and along the division line of lands of said Wesp and Klein two hundred fifty (250) feet to a point; thence northerly at right angles twenty one (21) feet to a point; thence westerly and parallel with the first described boundary two hundred sixty and seven tenths (260.7) feet to a point in the center line of said State Highway; thence southwesterly along the center line of said State Highway twenty three and fifty seven hundredths (23.57) feet to the place beginning,

and;

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Boston, County of Erie and State of New York, being part of Lot Number Thirty (30), Township Eight (8), Range Seven (7) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the center line of the State Highway leading from Hamburg to Springville with the south lines of Lands conveyed to William G. Wesp by deed recorded in the Erie County Clerk's office in Liber 1311 of Deeds at page 100 and the north line of lands conveyed to Lauren A. Klein by deed recorded in the Erie County Clerk's Office in Liber 1611 of Deeds at page 68; thence easterly along the division line of land so owned by said Wesp and Klein one hundred ninety seven (197) feet to a point; thence southerly and parallel with center of said highway sixty (60) feet; thence westerly parallel with first mentioned boundary line and sixty (60) feet south therefrom to the center of said highway or State Road to a point sixty (60) feet southeasterly from the point of beginning; thence northerly along the center of said highway sixty (60) feet to the place of beginning,

and;

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Boston, County of Erie and State of New York, being part of Lot Number Thirty (30), Township Eight (8), Range Seven (7) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of the State Highway leading from Hamburg to Springville sixty (60) feet south of the south line of lands conveyed to William G. Wesp by deed recorded in the Erie County Clerk's Office in Liber 1131 of Deeds at page 100 as measured along the center line of said State Highway, said point also being the southwest corner of lands conveyed to George Klein by deed recorded in the Erie County Clerk's Office in Liber 1735 of Deeds at page 108; thence easterly along and bounding on the south line of land so sold to George Klein one hundred ninety seven (197) feet to the southeast corner of said land so sold to George Klein; thence southerly and parallel with the center line of said highway or road sixty (60) feet; thence westerly parallel with first mentioned boundary line and sixty (60) feet south therefrom one hundred ninety seven (197) feet to the center of said State Road or highway to a point sixty (60) feet from the place of beginning; thence northerly along the center of said highway sixty (60) feet to the place of beginning.

And to further correct the Official Zoning Map of the Town of Boston by rezoning the following described property from Local Retail Business C-1 to Single-Family Residence R-2 as provided in the Zoning Law of the Town of Boston (Local Law No. 6 - 1990, as amended);

THAT TRACT OR PARCEL OF LAND, situated in the Town of Boston, County of Erie and State of New York, being part of Lot Number Thirty (30), Township Eight (8), Range Seven (7) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center of the Springville-Hamburg Highway at its intersection with the north line of lands conveyed to Erna I. Ohn by Liber 2726 of Deeds at page 776; thence east along the north line of lands conveyed by said deed two hundred sixty and seven tenths (260.7) feet; thence southerly at right angles twenty one (21) feet; thence easterly at right angles and along the southerly line of lands of William G. Wesp four hundred eighty three and eight five hundredths (483.85) feet; thence northerly at right angles one hundred twenty one (121) feet; thence westerly at right angles seven hundred ninety four and fifty five hundredths (794.55) feet to the center line of the highway; thence southeasterly along the center of the highway one hundred eighty four hundredths (111.84) feet to the place of beginning.

EXCEPTING therefrom the premises conveyed to the County of Erie for highway purposes by Deed recorded in the Erie County Clerk's Office in Liber 2271 of Deeds at page 373, and premises conveyed to Robert A. Clauss, Inc. by Deed dated February 7, 1956 recorded in said Clerk's Office on April 13, 1956 in Liber 5968 of Deed at page 260.

and;

THAT TRACT OR PARCEL OF LAND, situated in the Town of Boston, County of Erie and State of New York, being part of Lot Number Thirty (30), Township Eight (8), Range Seven (7) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the center line of the State Highway leading from Hamburg to Springville with the south line of land of William G. Wesp; thence easterly along the south line of land of said Wesp and the north line of land of Erna I. Ohn nee Schlott, and of Laura Klein, two hundred fifty (250) feet; thence northerly at right angles twenty one (21) feet; thence westerly and parallel with the first described boundary two hundred sixty and seven tenths (260.7) feet to the center of said highway; and thence southeasterly and along the center of said highway about twenty three and fifty seven hundredths (23.57) feet to the place of beginning containing one hundred twenty three thousandths (0.123) of an acre of land.

At this hearing, at the time and place above noted, all interested parties will be heard for or against the map correction set forth above.

Dated: Boston, New York
Published: December 1, 1993

David J. Shenk
Town Clerk
Town of Boston, New York

TOWN HALL
7:30 P.M.

DIH529

REGULAR BOARD MEETING TOWN HALL
DECEMBER 15, 1993 7:30 P.M.

Supervisor Kennedy: The determination on the use of that property will be made if Mrs. Murphy elects to sell the property.

Joseph Antos: As long as it stays as it is.

Supervisor Kennedy: Nothing changes.

Glen Martz, 5537 Ripple Drive: There is a discrepancy between a line on my survey and the map that was sent to me.

Town Attorney Perley: At the bottom of the whole map there is a disclaimer that states this map is not to be relied upon for conveyancing purposes. If there was a dispute between Mr Martz's survey and the tax maps, the survey would control.

A motion was made by Councilman Wittmeyer and seconded by Councilman Flowers to close the Public Hearing at 8:19 P.M.

five (5) Ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to make the corrections.

five (5) Ayes Carried

TOWN CLERK REPORT

A) Registrar of Vital Statistics Report for November 1993 received and on file in the Town Clerk's Office.

Town Clerk Shenk: I would like to say goodbye to Councilman Wittmeyer and Councilman Zimmerman. It has been an honor serving with them and there are two things I will always remember about them. Councilman Wittmeyer has allowed me to call him "Grandpa". For ten years I haven't had a grandfather. The thing I will remember most about Councilman Zimmerman, at the end of most Board Meetings, one of the four Board Members will always make a motion to adjourn the meeting but nine times out of ten nobody ever seconds it. So I look at Dave and he always gives me a second on that motion. Otherwise we'd be sitting here for a long time.

TOWN ATTORNEY REPORT

Town Attorney Perley has prepared a Resolution to change Greenbrier Drive to Greenbrier Terrace and Appletree Drive to Appletree Road.

Ormus Davenport, 4957 Appletree Road: We always called it Appletree Road and not Appletree Drive.

Town Attorney Perley : Appletree Road it is.

RESOLUTION 1993 - 47 GREENBRIER DRIVE IS RENAMED GREENBRIER TERRACE AND APPLETREE DRIVE IS RENAMED APPLETREE ROAD.

An agreement was reached with the residents of upper Crestwood Circle and the Town to convey to the Schmidlin family of 7443 Crestwood Circle, a spare 25 feet of right-of-way of Crestwood Circle. The Highway Superintendent must certify to abandon that portion of the right-a-away and issue a certificate. The Town Board can then adopt a Resolution subject to permissive referendum to convey the property and the Board can pass the Resolution at a subsequent meeting.

There is a drainage problem at Maplelawn and Pinehurst Drive intersection. I have prepared easements for the Supervisor who is going to go out as our agent and when he gets them executed I will file them. This will allow the Town to go in there and do whatever necessary to alleviate the problem.

TOWN OF BOSTON
NEW YORK

RESOLUTION

NUMBER 1993-47

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York , held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 15th day of December, 1993 at 7:30 o'clock in the evening Eastern Time there were:

Present:	**Richard L. Kennedy**	**Supervisor**
	Milton I. Wittmeyer	**Councilman**
	David G. Zimmerman	**Councilman**
	Don A. Wohlhueter	**Councilman**
	Mark W. Flowers	**Councilman**

Absent:

Supervisor Kennedy presented the following Resolution and moved its adoption:

BE IT RESOLVED by the Town Board of the Town of Boston that, pursuant to Town Law § 64, the road designated Greenbrier Drive on the Szalay Development Subdivision filed in the Erie County Clerk's Office under Map Cover 2630 be and the same is hereby renamed Greenbrier Terrace, and be it further

RESOLVED by the Town Board of the Town of Boston that, pursuant to Town Law § 64, the road named Appletree Drive (sometimes known as Appletree Road) in the Town of Boston and the cul-de-sac, situated at the westerly section of Appletree Drive, currently designated as Sundown Drive be and the same is hereby renamed, in its entirety, Appletree Road.

Seconded by **Councilman Flowers** and put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye

Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES:FIVE(5) **NOES:NONE(0)** **ABSENT:NONE(0)**

David J. Shenk-Town Clerk

REGULAR BOARD MEETING
DECEMBER 15, 1993

TOWN HALL
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

Incoming Board members, Supervisor Kennedy, Councilman Flowers and I met with three firms interested in becoming consulting engineers for the Town. It was agreed that certain specifications should be drawn and certain requests should be forwarded to the engineers.

I would like to say thank you to Councilman Zimmerman and Councilman Wittmeyer for all the help and all the interesting assignments and other things I have received from them. David was most instrumental in bringing me into government. Back in 1978 he came and talked to me because at that time Charles Maxwell was about to retire any day. Any day was about eight or nine years later. Thanks to Councilman Wittmeyer I got to prepare ten TE9's, complete with maps to get speed limits in the subdivisions. Gentleman I can only express to you what has been expressed already. It has been an extreme pleasure and an honor to have been associated with you in the government. I have really enjoyed it. I am going to miss both of you very much. I am going to miss working with you very much. Take care, good luck.

DDH529

COUNCILMEN REPORT

Councilman Flowers: I must say it's been a pleasure working with both those fine gentleman down there. We're going to miss you. I wish you good health and good wishes in whatever you do, whatever path you choose to go. Thank you so much.

We had a meeting with the Southtowns Haz-Mat team and the County Legislatures about possible funding which will come through local law. That law has gone back to committee and it's going to be stuck there for quite some time until they iron out all the details. If this local law comes about, the chances are all the independent Haz-Mat teams in the County are going to fold up and be required in some manner or form to join up with the County Haz-Mat team. It is our feeling that this will be a disaster for us. There is another tentative meeting on December 30, 1993 at the fire academy of all the independent Haz-Mat teams in Erie County for their input on this local law.

Councilman Wohlhueter: I want to offer my best wishes for your retirement from town government and speaking not only as a Town Board Member but as a private citizen of the Town of Boston, I don't think people realize the amount of time that you have put into town service and community service. There just aren't enough words to express all the time, commitment and service that you have given to Boston over the years and I just want to say thank you for all you've done. It's been an honor working with you.

Councilman Zimmerman: Well I suppose I should say something. After twenty-two years of being in town government I have been meeting a lot of friends and a lot of foes and enemies and a lot of water over the dam and there's a lot of people that should be thanked. I am not going to try and thank every one of them but there are a couple people that I would really like to thank and one of them has been at my side for twenty-two years, whenever I have made a decision, right or wrong, never any comments but I would like to have my wife Ester stand up. Another person I would like to thank has been my running mate for this seat the last four times, Bud, thanks for all your help in campaigns and helping on the Town Board and the Supervisor and his Councilman. Thanks very much. Also I take a little pride in this room right here because I was on the committee when we designed the Town Hall and many of the other buildings that came about in the past twenty-two years and I wish the incoming Board and any future Boards the best of luck and I hope that the Town progresses as well as it did in the last twenty-two years and I'd also like to wish everyone a Merry Christmas and a very happy New Year. I'd like to thank all the citizens of the Town of Boston for their past support. Thank you.

REGULAR BOARD MEETING
DECEMBER 15, 1993

TOWN HALL
7:30 P.M.

COUNCILMEN REPORT (CONT.)

Councilman Wittmeyer: Well after twenty years on the Board I would also like to have my wife Helen stand up. This is the first meeting in twenty years that she has attended. She has been my right hand person for years. I would also like to thank all the people of Boston for the honor and privilege of serving here for the past twenty years. It's been really an experience. I've seen the progress in the Town. When I first came on the Board twenty years ago, we met in the Boston Fire Hall. We moved from there to the Planning Board room downstairs. In my twenty years on the Board I've seen the Rescue Squad Building built, the State Police Building built, and the new Town Garage built. I've seen this Town Park expanded to a place that people can be proud to come to. I feel it's just been a great experience to have been able to serve you for the past twenty years, and I wish the new Board all the luck in the world. I wish them success. I hope they keep the town steadily moving ahead as we have in the past twenty years. I feel I have made the town safer and a better place to live and that I've accomplished the job that I set out to do. I'd like to wish everyone here a Merry Christmas and a Happy New Year. I'd like to thank the Board for all the kind things they've said about us. As I said when I left the Valley View twenty years ago, "I'm not going to miss the business but I'm sure going to miss the people", that's the same thing that I feel here. I will miss the people I've served with and I will miss the people that have been here. Thank you all.

CODE ENFORCEMENT OFFICER REPORT

A) Code Enforcement Officer's monthly report for November 1993 received and on file in the Town Clerk's Office.

DEPUTY CODE ENFORCEMENT OFFICER REPORT

A) Deputy Code Enforcement Officer's monthly report for November 1993 received and on file in the Clerk's Office.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to adjourn meeting at 9:10 P.M.

David J. Shenk, Town Clerk

TOWN OF BOSTON

RESOLUTION 1993 - 48

At a Special Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 31st day of December 1993 at 10:00 A.M. Eastern Standard Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Mark W. Flowers	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

BE IT RESOLVED that the Town Board of the Town of Boston does hereby request the County of Erie to place on the 1994 Tax Rolls the following unpaid Water Bills:

SBL # 226.02-3-14	6449 Willow Drive	$ 12.68
226.02-3-14	6449 Willow Drive	$ 60.48
258.10-1-19	6892 Boston Cross	$ 83.27
258.06-2-1	6771 Pin Oak Dr.	$ 35.60
227.00-6-30	8163 Boston State	$ 47.13

Seconded by Councilman Wittmeyer and duly put to a vote which resulted as follows:

Supervisor Kennedy	Voting Aye
Councilman Wittmeyer	Voting Aye
Councilman Zimmerman	Voting Aye
Councilman Wohlhueter	Voting Aye
Councilman Flowers	Voting Aye

AYES: 5 NOES: 0 ABSENT: 0

David J. Shenk

DAVID J. SHENK, TOWN CLERK

SPECIAL BOARD MEETING — TOWN HALL
DECEMBER 31, 1993 — 10:00 A.M.

Present were Councilman Mark W. Flowers, Councilman Don A. Wohlhueter, Councilman David G. Zimmerman, Councilman Milton I. Wittmeyer, Supervisor Richard L. Kennedy, and Town Attorney Michael F. Perley.

Absent: Superintendent of Highways Eugene E. Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the correction and adoption of the minutes of the December 15, 1993 Regular Board Meeting.

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #12B, dated December 31, 1993, in the amount of $10,538.55 be paid.

five (5) Ayes — Carried

DMH529

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to accept the correction of General Fund and Special District Abstract #12A dated December 15, 1993 as follows:

Voucher 951 - Industrial Equip Inc. $674.00
From: A1460.4 Cont. To: A1460.2 Equip.

Voucher 963 - National Fuel $751.74
From: A5182.4 Street Lgts To: A5132.4 Hghy Garage

Voucher 975 - Highway Department

From:	A8989.4 Com Service	$12,912.80
To:	A8989.4 Com Service	9,711.30
	H7110.2 Town Park Improv. Proj.	1,068.00
	Delete	2,133.50
Total General Fund:		23,052.92
Total Cap Proj Fund:		1,761.75
Total Abstract:		66,254.34

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the Highway Bills on Abstract #12B, dated December 31, 1993, in the amount of $10,431.91 be paid.

five (5) Ayes — Carried

Letter from Adelphia Cable, Re: Addition of new channels. Received and on file in the Town Clerk's Office.

Letter from Robert C. Sauer, Re: Annual Blanket Permit Renewal

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to authorize Supervisor Kennedy to sign the Annual Blanket Permit with National Fuel.

five (5) Ayes — Carried

Letter from Alan J. Laurita, Envirogas Inc. Re: Notice of intent to drill well, R. Telaak #1. Received and on file in the Town Clerk's Office.

RESOLUTION 1993 - 48 UNPAID WATER TAX

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that the following General Fund transfer of appropriations be made:

SPECIAL BOARD MEETING — TOWN HALL
DECEMBER 31, 1993 — 10:00 A.M.

FROM:	A 9010.8	State Retirement	$ 18,725.00
TO:	A 1220.4	Supervisor	$ 500.00
	A 1440.4	Engineer	1,000.00
	A 1670.4	Central Print & Mailing	1,000.00
	A 3310.4	Traffic Control	100.00
	A 5010.4	Supt. of Highways	100.00
	A 5182.4	Street Lights	2,500.00
	A 7110.1	Parks	500.00
	A 7110.4	Parks	6,000.00
	A 7140.1	Play & Rec Center	500.00
	A 7310.4	Youth Program	4,000.00
	A 7510.4	Historian	5.00
	A 7520.4	Historical Property	20.00
	A 8989.4	Community Service	2,500.00
	TOTAL		18,725.00

five (5) Ayes — Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the following Highway transfer of appropriations be made:

FROM:	D 5110.4	Repairs	$ 1,250.00
	D 5110.2	Capital Outlay	30.00
	D 5130.2	Machinery	3,595.00
	D 5140.1	Misc.	500.00
	D 9010.8	Retirement	21,300.00
	D 9050.8	Unemploy Insurance	1,000.00
	D 9730.6	BAN	1,000.00
	D 9730.7	BAN	130.00
	TOTAL		28,805.00
TO:	D 5110.1	Repairs	$ 12,300.00
	D 5130.4	Machinery	4,915.00
	D 9040.8	Comp Insurance	8,890.00
	D 9060.8	Hosp & Med Insurance	2,700.00
	TOTAL		28,805.00

five (5) Ayes — Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that the following Highway Fund appropriation of excess revenue be made:

ESTIMATED REVENUE			
	D 1081	In Lieu of Tax	$ 900.00
	D 2300	Serv Other Govts	37,000.00
	D 2801	Interfund Revenue	2,700.00
	D 3501	State Aid	7,500.00
	TOTAL		48,100.00
APPROPRIATIONS:			
	D 5130.4	Machinery	$ 4,000.00
	D 5142.1	Snow Removal	9,500.00
	D 5142.4	Snow Removal	5,785.00
	D 5148.1	Ser Other Govts	9,500.00
	D 5148.4	Ser Other Govts	8,000.00
	D 9030.8	Social Security	1,800.00
	D 9040.8	Comp Insurance	9,515.00
	TOTAL		48,100.00

five (5) Ayes — Carried

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SPECIAL BOARD MEETING
DECEMBER 31, 1993

TOWN HALL
10:00 A.M.

The appointments of Town Prosecutor and Court Officer were tabled until the Special Meeting of 1/1/94 at 2:00 P.M.

A letter was received from the Planning Board Re: Notification that the first meeting of the month will now be a work session and the second meeting of the month will be a regular meeting. Received and on file in the Town Clerk's Office.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the Tax Collector's Annual Report for 1993.

five (5) Ayes

Carried

Upon recommendation of Town Attorney Perley, a motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to change the umbrella insurance coverage to Planet from UCIC and auto insurance coverage to Hartford from UCIC.

five (5) Ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to adjourn the meeting at 9:15 A.M.

DDH529

David J. Shenk

DAVID J. SHENK, TOWN CLERK